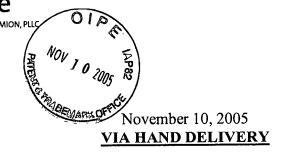
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TTAB

Trademark Trial and Appeal Board Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451

Re:

Testimony Deposition of Lee Kohse

Larry Lee Kohse, Jr. v. Steve Varner.

Opposition No. 91/161,217 Mark Opposed: KINDERGOTH

Our Ref.: 800857

Dear Sir:

Pursuant to Trademark Rule No. 2.125, enclosed herewith is the testimony deposition of Larry Lee Kohse, Jr. taken on September 28, 2005 on behalf of Opposer.

The Board will note that the testimony deposition of Larry Lee Kohse, Jr. consists of a the deposition together with Exhibits 1-16. Please note that the deposition transcript is marked CONFIDENTIAL. This is an error. The deposition is not confidential, and this filing is not being made under seal.

A copy of the testimony deposition and exhibits were forwarded to counsel for Applicant on October 26, 2005.

Respectfully submitted,

By:

Leigh Ann Lindquist
Attorney for Opposer
SUGHRUE MION, PLLC

2100 Pennsylvania Avenue, N.W.

Washington, D.C. 20037-3202

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LAL

Enclosure:

Testimony Deposition of Larry Lee Kohse, Jr. (w/Exhibits 1-16)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 1 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD 2 3 LARRY LEE KOHSE, JR. 4 Opposer, 5 Opposition No. 91161217 vs. 6 STEVE VARNER, 7 Applicant. 8 9 10 11 12 13 14 DEPOSITION OF LARRY LEE KOHSE, JR., 15 LOS ANGELES, CALIFORNIA 16 WEDNESDAY, SEPTEMBER 28, 2005 17 18 19 20 21 22 Reported by: 23 Katy K. Jackson CSR No. 12680 24 Job No. 913922 25

CERTIFICATE OF SERVICE

I hereby declare that a copy of the foregoing letter noticing the filing of LARRY LEE KOHSE, JR.'S TESTIMONY DEPOSITION with the completed errata sheets were forwarded by first class mail, postage prepaid on November 10, 2005 addressed to:

Michael A. Shimokaji, Esq. Shimokaji & Associates 8911 Research Drive, Suite 200 Irvine, Ca 92618

Leigh Ann Lindquist

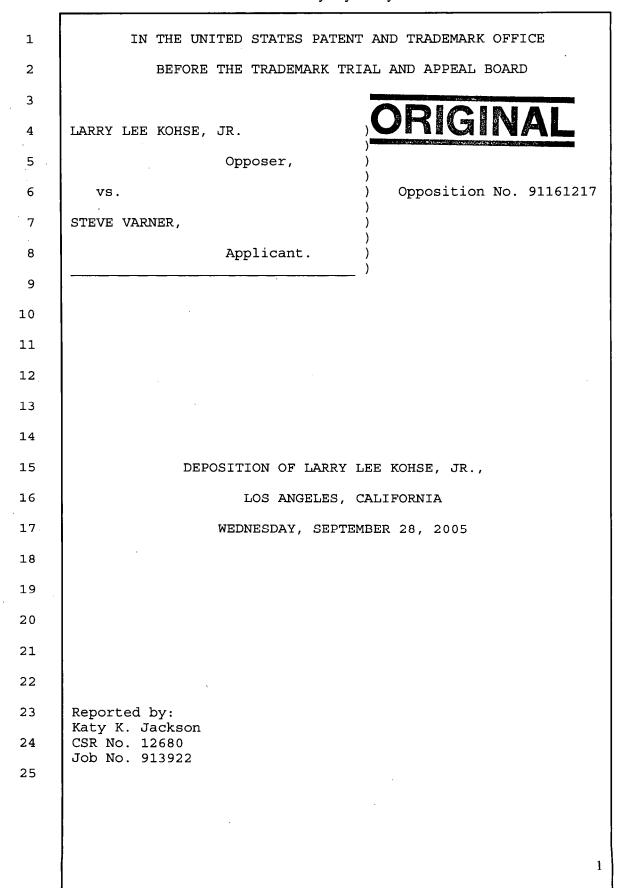
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2100 Pennsylvania Ave, NW

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Washington, DC 20037-3213



1	IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2	BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
3	
4	LARRY LEE KOHSE, JR.)
5	Opposer,)
6	vs.) Opposition No. 91161217
7	STEVE VARNER,
8	Applicant.)
9	
10	
11	
12	
13	Deposition of LARRY LEE KOHSE,
14	JR., taken on behalf of the Opposer,
15	at 12400 Wilshire Boulevard, Los
16	Angeles, California, 90025, beginning
17	at 10:05 and ending at 12:15 P.M., on
18	Wednesday, September 28, 2005, before
19	Katy K. Jackson, Certified Shorthand
20	Reporter No. 12680.
21	
22	
23	
24	
25	
	2

October 20, 2005

1	APPEARANCES:
2	
3	For the Plaintiff:
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5	BY: LEIGH ANN LINDQUIST Attorney at Law
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1	LOS ANGELES, CALIFORNIA; WEDNESDAY, SEPTEMBER 28, 2005	
2	10:05 A.M 12:15 P.M.	
3		
4	LARRY LEE KOHSE, JR.,	
5	having been first administered an oath, was examined and	
6	testified as follows:	
7		
8	EXAMINATION	
9	BY MS. LINDQUIST:	
10	Q Just as a preliminary matter, I want to state that	
11	we're here today to take the testimony deposition under	
12	Trademark Rule 2.123 in the matter captioned Larry Lee Kohse,	
13	Jr., vs. Steve Varner in Opposition No. 91161217.	
14	Can you state your name and address for the record,	
15	please.	
16	A Larry Lee Kohse, Jr., 3547 Syracuse Avenue. San Diego,	
17	California 92122.	
18	Q We're going to mark this Exhibit 1.	
19	(Exhibit 1 was marked for identification	
20	by the court reporter.)	
21	BY MS. LINDQUIST:	
22	Q Have you seen what's been marked Exhibit 1 before?	
23	A Yes, I have.	
24	Q And do you know what it is?	
25	A Yes, I do.	

1	Q Can you tell me what it is?	
2	A It's basically a notice declaring to the trademark	
3	office I believe that I'm here today to take a deposition	
4	regarding my side of the trademark issue.	
5	Q Okay. All right. Can you just briefly give me your	
6	educational background from high school forward?	
7	A Graduated high school. Went to college a few years	
8	later. Dropped out of college. And I've been to a couple of	
9	trade schools here and there, and that's pretty much it.	
10	Q What classes did you take at those trade schools?	
11	A Graphic design, publishing, web design, motion graphic	
12	design. Motion media, programming. It was primarily art and	
13	design with some web design and media splashed in there.	
14	Q What years did you take those courses that you just	
15	mentioned?	
16	A Those courses were '98 primarily, '98, '99.	
17	Q Okay.	
18	A I graduated at the top of my class, too.	
19	Q What year did you leave college?	
20	A '99.	
21	Q From 1999 to the present, can you just briefly state	
22	your employment history and provide your titles and the	
23	employer.	
24	A '99 I was a freelance artist. I did ghost coloring fo	
25	DC Comics and some other comic stuff with my friend Jerry Cox	

I also did like, freelance web design and print design, ad
design. Advertising logos. And in 2000 I got picked up by
Verizon or GTE, excuse me. I got picked up by GTE as a junior
artist, and a few months later, about six months later they
promoted me to senior artist and I took over the Verizon.net
website. GTE.net website.

GTE later that same year merged for Verizon, which is what they became. And then pretty much I took over all the Verizon sites as a senior developer or senior artist or backup artist for Verizon.com. Then pretty much did that for five years. And that was '99 when I started at Verizon, so I did that for about five years.

I was working for about a year at Hockey Giant and pretty much there I was doing ads, I was an artist. I did painting, I was the art director so I created their new logos, all their branding standards. I went for companies like Nike, and Reebok to do branding standards for them as well.

I did a lot of website design, a lot of media, collateral e-mail campaigns. Painted a lot of original artwork to support those things. Created our own clip art library using original art to be used as clip art. Left there earlier this year and basically started doing pretty much freelance stuff.

I spent a couple months at a company called Compass

Learning. It was basically a subsidiary of Jostens, a company

that makes class rings and year books. They have an educational division, so I was designing cartoon characters for them for kindergarten-related software. And I got that job through my Kindergoth notebook. They saw the artwork and loved the characters and they asked me to create something for them. That was a couple months. When that ended I just basically went freelance doing primarily art.

I do covers for comic books now. I work out of my house. I draw comic books, I write comic books, I color the covers primarily, and I also do spot art for a couple of T-shirt companies, Orange County Jobbers. But pretty much I just paint.

Q Okay. Just very briefly you said, "I worked on the Verizon sites," you mean Verizon websites?

A Verizon website. I worked on Verizon branding standards. I was their branding specialist. I was in charge of the management of their logos. I made a lot of their ads and print signs and stuff primarily for Verizon online, the DSL and cable access, internet access divisions. But I designed all their websites for Verizon.net. And just pretty much just all their marketing and promotional sites as well.

Q What is BloodFire Studios?

A In '97, December of '97 my best friend Dennis and I kind of had a falling out with the company we were working with at the time. They weren't releasing our product and we were

25 -

getting paid on royalties. So we never got paid for all this work we were doing. So we decided we were just going to do it ourselves. BloodFire Studios. And it's basically a publishing company. We create comic books and we release them through BloodFire Studios.

- Q Who are the owners?
- A BloodFire is owned by myself and Dennis.
 - Q What's Dennis's last name?
 - A Greenhill.
 - Q What products does BloodFire publish?
- A We publish a comic book called Dark Tarot. A comic called Kindergoth, which is our best-seller. We have a couple books coming out. We have also released Vampyrates. And then we also have a couple of new books coming out. We have a book called High-Speed Angel which is in production right now. We also have another book called Intergalactic that's in production. And we just picked up a new book last week called Utopia 23.
 - Q You mentioned Kindergoth. What is Kindergoth?
- A Kindergoth is kind of the offshoot of the story I started in high school. I was originally doing little comic strips for the school newspaper called Freddy Freshman. And I had this group of little Goth kids who would periodically appear. And originally they were teenagers, and I didn't like them. So I scaled them back and made them younger as the years

wore on. But they basically started out appearing as characters in this Freddy Freshman and Joe Freshman comics that I did for the Spartan Spectrum, school newspaper for Chula Vista High School.

But basically I started out doing these characters that appeared there, these Goth characters and they were kind of comic relief for the Spartan. And later on I started writing lots of just funny scenarios and stories and stuff over the years, and they stayed in my personal notebooks. And one of my friends kind of picked them up. Then when we were doing the comics for the company we broke away from in '97, We were doing stuff for them in about '95, '96 -- I'm sorry, '96, '97. We started talking about doing, possibly bringing out some of my stuff in the notebooks, but I didn't want to it through that company. So we formed BloodFire and we started doing our own stuff. Those were kind of brought to the forefront.

At the time I did very photorealistic artwork. And the characters I created back in high school were all cartoony and stuff and that wasn't really my style now. So it was hard for me to do. So what we ended up doing over the years was I kept trying to design the characters and refine them, so it took a while. It wasn't my style. So in my spare time I would work and tweak the story a little bit more and make adjustments to it.

And I think it was '97 I met an artist named Jeff

1	Zugale, and I met him at the 1998 San Diego Comic-Con. It's a
2	comic convention. And we basically kind of hit it off and he
3	had this sort of cartoony style that was really cute. And we
4	just became good friends. And one day he saw my notebooks and
5	stuff and told me we need to produce this book. And everybody
6	else was screaming at me to do this book.
7	And so in 2000 he and I actually sat down and I did the
8	design work and wrote the story and gave it to him, and he drew
9	the book. And it first appeared in ashcan format because we
10	didn't have a lot of money to print a real book. So we
11	released these little promo books called ashcans, and that was
12	the first release at the San Diego Comic-Con in 2000.
13	Q Okay.
14	MS. LINDQUIST: Off the record.
15	(Brief recess.)
16	MS. LINDQUIST: Back on the record.
17	BY MS. LINDQUIST:
18	Q Okay. I'm going to show you Exhibit 2, Exhibit 3 and
19	Exhibit 4. Exhibit 2 is Bates-labeled LLK-00018 through
20	LLK-000523. Exhibit 3 is labeled LLK-053 through LLK-00086 and
21	Exhibit 4 is labeled LLK-00087 through LLK-00122.
22	(Exhibits 2,3,and 4 were marked for identification
23	by the court reporter.)
24	A Okay.
25	Q Can you tell me what those three exhibits are?

1	Α	Yes. Kindergoth issue 1, 2, and 3.
2	Q	These are the comic books?
3	A	Scans of them, yeah.
4	Q	If you look at Exhibit 3, page 2
5	A	Uh-huh.
6	Q	you'll see this is the inside of the comic book.
7	A	Yes.
8	Q	Can you just explain what agreement you and Jeff Zugale
9	have regarding the comic book?	
10	A	Basically the art was drawn by Jeff. It was written
11	and created by Lee Kohse.	
12	Q	So earlier you said BloodFire published Kindergoth?
13	A	Yes.
14	Q	Did BloodFire publish these three comics?
15	Α	Yes.
16	Q	And who owns the Kindergoth name?
17	A	I do.
18	Q	And BloodFire is just the publisher?
19	A	They're just the publisher.
20	Q	Okay. How did you select the name Kindergoth for these
21	comics	3?
22	A	It's slang in the Goth culture. That's a term called
23	"Kindergoth." It refers to people who are underage or too	
24	young	to do the stuff that the grown-up Goths would do, which
25	is dri	ink and go to bars and clubs. And basically it's pretty
	1	

1	much whoever can't go to a 21 and up club in the Goth scene, in	
2	short. Some people in high school would refer to the kids in	
3	grade school as Kindergoth because they're beneath them, so	
4	it's somewhat a derogatory term meaning you're too young.	
5	Q Okay.	
6	A And I just thought it was a cute name.	
7	Q We just labeled Exhibit No. 5 and this document is	
8	Bates-labeled LLK-00130 through LLK-00138. Can you identify	
9	what's been marked as Exhibit 5?	
10	(Exhibit 5 was marked for identification	
11	by the court reporter.)	
12	A It's a scan. Kindergoth ashcan.	
13	Q Can you explain what an ashcan is?	
14	A An ashcan is basically a miniature comic book made on a	
15	Xerox machine. It's common in underground and small publishing	
16	companies to produce a promo book or the final book if they	
17	don't have the money to go to press and print thousands of	
18	regular comics.	
19	Q So between exhibits labeled No. 2, 3, 4, and 5, which	
20	of these was first?	
21	A No. 5.	
22	Q And when was what's been labeled Exhibit 5, when was	
23	that first sold?	
24	A In July 2000 at the San Diego Comic-Con.	
25	O And what about exhibits 2. 3. and 4? When were those	

1	first sold?	
2	A Those were sold in July 2003 at the San Diego	
3	Comic-Con.	
4	Q So you use the name Kindergoth on the ashcan and the	
5	comic books. Do you use Kindergoth on anything else?	
6	A Yeah. We make lapel pins based on the characters and	
7	the Kindergoth name appears on them as well. We make	
8	promotional fliers and materials and the Kindergoth name	
9	appears on that, of course. Any advertising and marketing	
10	material related to it has the Kindergoth name. We also make	
11	T-shirts.	
12	Q Are you wearing one of those T-shirts today?	
13	A Yes, I am.	
14	Q Is there a copyright notice on the T-shirt?	
15	A 2001 BloodFire studios.	
16	Q Is there anything else that you put the Kindergoth mark	
17	on?	
18	A That we put the mark on? I've got to explain	
19	Kindergoth is a derogatory term. After we started using it fo	
20	the books it kind of became a happier term. A club called	
21	"Cathedral" in San Diego licenses the name from us, and we do	
22	artwork for their fliers and stuff like that to promote the	
23	club.	
24	Q How long has that arrangement been going on?	
25	A More than a year, probably not more than two.	

1	Q Are there any other products that you use Kindergoth
2	on?
3	A Yeah. We have a CafePress store which basically is a
4	print-on-demand service. So we have clocks, we have aprons, we
5	have T-shirts, stationery, postcards, hats, coffee mugs, lunch
6	boxes. They're all items and posters. They're all things that
7	CafePress produces. Anything they produce basically has the
8	Kindergoth mark on it.
9	Q So the products that you've just talked about, let's
LO	discuss when the first sale of those products were, if you can
11	remember. We've talked about Exhibit 5, the ashcan, and we've
12	talked about Exhibit, 2, 3, and 4.
13	A Right.
14	Q What about the T-shirt?
15	A The T-shirt was sold at the 2001 San Diego Comic-Con
16	and we had released the ashcan the year before. We didn't have
17	the books ready, and to kind of placate people to leave us
18	alone while we're working on the books, we decided we'd go
19	ahead and release the T-shirt and we used the cover of
20	Kindergoth as the artwork.
21	MS. LINDQUIST: And we'll label this Exhibit 6.
22	(Exhibit 6 was marked for identification
23	by the court reporter.)
24	BY MS. LINDQUIST:
25	O Okay Can you identify what's been labeled Exhibit 6?

1	Α	Yes. Exhibit 6 is scans of the front and back of
2	severa	l Kindergoth T-shirt lines.
3	Q	Okay. The first T-shirt in that collection of
4	T-shir	ts, what year was that first sold?
5	A	2001.
6	Q	Can you identify how many T-shirts are in that exhibit?
7	Α	The first two pages are the first shirt, front and
8	back.	The next two are the second shirt front and back, and
9	the third, so three shirts.	
10	Q	So the second and third shirts, do you know when those
11	were f	irst sold?
12	A	I believe they were sold at the 2003 San Diego
13	Comic-Con. We launched more shirts.	
14	Q	So the first shirt in Exhibit 6 you said that you first
15	sold that in 2001?	
16	A	Yes.
17	Q	Do you continue to sell that shirt today?
18	A	Oh, yeah.
19		MS. LINDQUIST: This will be Exhibit 7.
20		(Exhibit 7 was marked for identification
21	1	by the court reporter.)
22	BY MS.	LINDQUIST:-,
23	Q	Can you identify what's been labeled Exhibit 7?
-		
24	A	It is a scanner frame of Kindergoth lapel pins.
	A Q	It is a scanner frame of Kindergoth lapel pins. And you mentioned these pins earlier, I think.

1	A Team.
2	Q Did you say that those pins were characters from the
3	book?
4	A Yes, they are.
5	Q When were those first sold?
6	A The last Saturday in August, 2004 we produced them.
7	Sometimes we try to produce a new product when we go to a show
8	or we've been invited as special guests somewhere or and we
9	help sponsor the event. Bats Day. Thousands of Goths get
10	together for shopping, have dinner the night before, and then
11	converge on Disneyland the next day. So the Black Market is a
12	program that they have that takes place the Saturday before
13	that Sunday. And it's the last Saturday in August and we had a
14	booth set up and sold Kindergoth products primarily.
15	Q At that booth, what did you have besides the pins?
16	A The comic books, T-shirts, posters, I sold a lot of my
17	artwork. I do artwork, so I had a lot of that stuff also.
18	Q Okay. And the different products we've talked about, I
19	also want us to discuss where those products are sold and where
20	they've been sold in the past. So we're going to I think
21	we'll start with Exhibit No. 5.
22	A Okay. That was a self-distributed book. That was when
23	we were still considered an underground company. We sold it
24	primarily directly to stores and at shows. So we'd go to the
25	San Diego Comic-Con or Los Angeles Comic-Con and we'd sell at

these shows and we also sold them on the internet. So 1 2 basically anybody with internet access can get them. MS. LINDQUIST: Off the record. 3 (Brief recess.) 4 MS. LINDQUIST: Now we're back on the record. 5 6 BY MS. LINDQUIST: 7 When was the ashcan first available on the internet? June or July 2000. 8 Α Can you name any of stores that the ashcan was 9 Q available in? 10 11 Comickaze Comics and Cards San Diego bought a lot of 12 There was a store in New Jersey I forgot the name, but 13 we have the guy's phone number and everything. He bought ten copies in November of 2001. I believe it was when the artist, 14 Jeff Zugale, went back home -- he's from New Jersey -- to visit 15 friends and family. And he went to a store and sold them some 16 17 of the stuff he brought. We also have several items, we sold a bunch to a couple 18 19 stores in Germany. I don't remember the exact names. That was 20 also -- I don't remember what the exact dates were. Golden 21 Apple Comics here in L.A. bought quite a few of them. Unlimited in Westminster, California sold a bunch of them, so 22 23 quite a few stores. 24 Is the ashcan available today for sale? 25 No, it's sold out. It's still available in the

1	aftermarket though.
2	Q Okay. Now let's move to Exhibit 2, 3, and 4 which are
3	the comic books. Where are those comic books available?
4	A Any comic book store that orders through Diamond,
5	Diamond Comics Distribution.
6	Q What is Diamond?
7	A Diamond Comics. I believe it's owned by Time Warner,
8	but it's basically the largest distributor to the English
9	speaking world of comic books.
10	Q Is that who you use to distribute your comic books?
11	A That's our primary distributor.
12	Q Do you have other distributors?
13	A Yes. FM International and Cold Cut which are basically
14	North American distributors; Diamond is international.
15	Q Okay. Do you only sell those comic books through
16	distributors?
17	A No, we sell them also online. We sell them at the
18	shows. We do in-store book signings and pretty much any
19	product we have in stock we take to the shows and Pacific Coast
20	signings.
21	Q Do you sell to any stores directly?
22	A Yes.
23	Q Would you name one or two of those?
24	A Golden Apple Comics again is our number one store.
25	Comickaze, Amazing Al's in Chula Vista, California. Galaxy

1	Comics in Nevada. The Silver Cactus in Phoenix Arizona that
2	buys books from us also. We do direct sales to stores in the
3	California, Arizona, Nevada area. We've pretty much done that
4	since the beginning of BloodFire.
5	Q If you look at the last few pages of Exhibit 4
6	A Uh-huh.
7	Q can you identify the pages that are labeled
8	LLK-00118 and LLK-00119?
9	A It's a mail-order form that we put in pretty much all
10	the comics. Every time we release a new comic we update and
11	take out the old books that we don't have in stock.
12	Q Okay. So on the order form, are the Kindergoth comic
13	books included?
14	A Oh, yes. The first story, like, was called Tiny Green
15	Men. Issues one through three of Kindergoth Tiny Green Men are
16	on the exhibit.
17	Q And so would an individual use this order form? Who
18	would use the order form?
19	A Somebody who bought the book and couldn't find like
20	if they bought No. 1 or they bought one of our books and they
21	couldn't find any more of our books at the store they would
22	order directly from us using these forms.
23	Q So that's another form of sales that you have for the
24	comic books is directly with the public?
25	A Yes.

1	Q	And	now	let's	talk	about	the	T-shirts	which	we	have	on
2	Exhibit	No.	. 6.	Where	e do y	you se	ll th	ne T-shirt	s?			

A Same place in that order form. Also we sell them online. We sell them through Diamond occasionally. We also sell them directly to stores primarily, and certainly on tour. I think on tour directly to stores.

Q When you say "on tour," what do you mean?

A We'll get calls from scorings stores. Sometimes they'll ask us to do a tour. The Golden Apple is one that orders a lot of our merchandise. He sold 364 copies of our book. They sold a lot. X-men and Women, they sold 75 copies. For us to outsell the No. 1 got their attention.

So they kept reordering the book and came directly to us and said, "Yeah, we'd like you guys to come up and do a tour." So Golden Apple owns six stores so that way we did a tour of all six Golden Apples. And they drove us. We'd spend an hour and then they we'd drive to the other store, and then we closed over at their Hollywood store, which is their largest and best-selling store. But they dropped us off there, and we finished the tour off there.

So it was six stores in one day. Sometimes we'd get called from a store who said we'd like to have you come up and we'll talk them into calling other stores in the region that they're friendly with. And they'll all prepare for the time, and we'll go up for two or three days and down around the

1 region and make a mini tour out of it.

- Q The Golden Apple tour that you mentioned.
- A Uh-huh.
- Q Do you remember when that was?
 - A January 2005. No, I'm sorry. January 2004. It was when Kindergoth One went through primary distribution.
 - Q And you said that they sold 365 copies. What's the time period for that number, one month?

A The 364, that was what they ordered directly from us. Basically, they had ordered a bunch of books through Diamond and the first days, however, they had sold out of all the books they had, and they had reordered a bunch of books. Diamond delivered them within a day or two and they sold out of all of those.

So it was probably within a week or so that their numbers were all completed and finally, for the most part the owner of the store contacted called us directly. Could you do direct sales and come up and do a signing? So he bought from us 364 books, and we sold out of them at that store. They paid us for half a book. You get 50 percent of anything that we sold. He would bill at the wholesale rate, which was 50 percent. And when we were done, he ended up buying another hundred copies of Issue One and Issue Two. So the final tally for that day was 364 books sold to Golden Apple.

Q Sold to Golden Apple?

1	A That was just through us. That doesn't include their
2	Diamond numbers.
3	Q And when you go on these tours to Golden Apple or to
4	other cities and you're at the stores, what are you doing?
5	A We pretty much set up a table, set up display of our
6	books or the work and talk to the customers. Primarily we
7	already know the store owner, so we don't need to talk to him
8	much. We want to reach the customers who buy are comics. We
9	take our latest comics and get several creators.
10	Jeremy, he's basically a major name talent, and he's in
11	our talent pool, so Jeremy is going to be there. They want
12	their Spiderman and comics signed. Creators make a big
13	community. It helps cut down on transport cost because we all
14	save. And we stay for the end of the signing. It gives us a
15	chance to talk.
16	Q Do you sign the books only through tours?
17	A Pretty much always.
18	Q X-Men and DC Comics?
19	A Uh-huh.
20	Q Can you be very brief?
21	A Marvel, DC.
22	Q Tell us what Marvel and DC are.
23	A Basically the equivalent of BloodFire Studios, only
24	their 28 larger comics comes in the cord. Marvel produced
25	comics like the Incredible Hulk and DC produces books like

Superman, Batman, Wonder Woman, stuff like that. 1 2 And just so it's easier for the court reporter, we are 3 to make sure that we don't interrupt each other. Α Okay. I'm sorry. 4 All right. So going back to the T-shirts, you said you 5 sell them online, you sell them through Diamond, sometimes you 6 7 sell them at the stores. When you go on tours, do you sell 8 them on the shows that you've talked about a little bit? Yeah. It's one of our highest dollar makers, too, at 9 10 the stores. Also when you sold the ashcan, the comic books and 11 12 T-shirts online, where are you selling them on line? 13 All over. We got our Diamond orders through Israel because we're not Marvel or DC. Diamond ships to overseas 14 countries like Israel, UK and Scotland. The demand is 15 16 relatively high in particular Israel and the UK, I believe it 17 was. And what they ended up doing was that they all got 18 together and contacted us and said, "Will you wholesale 19 directly to us?" So we basically sold out of stuff in Israel 20 so we basically shipped a lot of the stuff there. But a bunch 21 of shirts to New Zealand and also to several comics and a lot 22 of stuff goes to Germany. And England and Scotland. 23 Q So those stores in other countries, they placed orders 24 through the internet to you? 25 Α Yes.

	Q And II I wanted to parenase the I shift you it wearing
2	for example, what website, who do I go to?
3	A Noose.sir or Kindergoth.com.
4	Q Anyplace else?
5	A Any store, comic book stores have a website and if they
6	have our merchandise it's up on the website.
7	Q I think earlier you mentioned that you've put the
8	Kindergoth mark on lunch boxes?
9	A Yes.
10	Q Where do you sell the lunch boxes?
11	A There's two types. There's one that's reproduced
12	through CafePress which was a print ad, print and Alise the
13	girl. It carries the lunch box in the store. I kind of make
14	the lunch box go with the story. It's kind of a
15	print-on-demand when someone orders it, that he makes one and
16	sends it off to him.
17	A One you're at the Comic-com, some lady asked us if we
18	had drawn a picture and sign it. So every year since then we
19	have. Dennis Greenhill would try to go and find blank lunch
20	boxes and he would bring this to the show, and myself and Jeff
21	would draw the characters with Sharpie.
22	Q What's a Sharpie?
23	A A big, fat, black pen.
24	Q It's a marker?
25	A Yes.

Z١

Yes.

1	Q And what year did that woman come up with her, with her
2	blank lunch box at the Comic-con.
3	A 2002, 2003.
4	Q And earlier we talked about the lapel pins. Do you
5	sell them anywhere besides the Bats Day?
6	A Yeah. They're also sold on the internet and directly
7	through BloodFire. We didn't make enough to sell through mass
8	distribution though. It was kind of limited. It was only 300
9	of them made, so it was primarily just a limited edition for
10	people to buy directly from us.
11	Q Are those available when you go to these trade shows?
12	A Yes, and the website.
13	Q Do you have any postcards or trading cards?
14	A Yes. Not in stock anymore as far as trading cards, but
15	we basically periodically we have lots of friends who are
16	printers and we do so much printing they'll give us free space
17	that's available and we will try to do postcards or trading
18	cards. Trading cards in particular. We give away just as a
19	complimentary item. People walk up to a store, are familiar
20	with the book, but they have everything we've already produced.
21	We give them a trading card and sign it. It's just kind of a
22	neat thing to give away to people. Postcards that are used to
23	promote books that are coming out.
24	Ω On trading cards, does the Kindergoth name appear?

1	Q You just meant the free stales that the printers give
2	you?
3	A We buy so much printed space and because we spend so
4	much money with them, normally they'll offer us that extra
5	space to put something that we want. So we put some kind of
6	promo or something that would be cool to give out to people.
7	Q And what's a print-off? I think you used that word as
8	well?
9	A It's when they make a print. Your print run is usually
10	2,500 base at that particular print issue, but when he's
11	printing he pretty much does it in batches of 2,500 or 7,500 or
12	2,000. So when he does a run, it's a print-off, a run of
13	prints.
14	Q What's the name of your printer?
15	A Custom Printing.
16	Q Has Custom Printing done all your comic book printing
17	since you printed Exhibits 2,3, and 4?
18	A No. Actually. They do our advertising printing as far
19	as posters, flyers, postcards, things that are one offer,
20	meaning only one page was produced. We have used them for
21	covers and then had the books printed elsewhere. We want full
22	covers. We get it printed through them and send it to another
23	company to actually be printed.
24	Q Do you remember the name of the printer that you
25	utilized to print the ashcan, which is Exhibit 1?

1	A Kinko's.
2	Q You've mentioned trade shows a lot since we've been
3	talking, and I guess can you give me the names of the major
4	trade shows that you attended and then we can discuss each of
5	those in a little more details.
6	A Wizard World is the second most important one we go to,
7	I would say, and they have shows in Long Beach, in Dallas, in
8	Chicago, in New York, New York. So they have like seven or
9	eight shows a year and we go to quite a few of them, not all of
10	them. We also do San Diego Comic-con religiously. That's the
11	first show we ever did, so we do it every year. Those are
12	pretty much the two big ones. We also do mini shows here and
13	there, but there are a lot of small regional.
14	Q Have you ever attended any other major shows besides
15	Wizard World and San Diego Comic-con?
16	A There were two other shows. It happened twice, but it
17	was two basic corporate entities. It kind of bombed. Both
18	bombed miserably. So we pretty much don't go there.
19	Q Is there a Comic-Con anywhere else than California?
20	A There's actually the APE convention. It's the
21	Alternative Press Expo, but it's called APE. And it's up in
22	San Francisco I believe. And then there's one in Oakland
23	called Conbertime. I may have the locations of those two mixed
24	up. They're right across from each other.

Do you attend both of those conventions?

1	A Yes.
2	Q So you mention the San Diego Comic-Con is your
3	A Comic-con is a comic book convention. If they say the
4	Comic-con, they're referring to San Diego. It's the second
5	largest in the world behind Germany. I haven't done that one.
6	I would like to. But as far as the rest of the planet after
7	Tokyo the San Diego is No. 2 in the world. It's huge.
8	Q So it's only comic books that are at the San Diego
9	Comic-Con?
10	A San Diego Comic-Con is comics/popular arts, so anything
11	that's pop culture.
12	Q And what would encompass pop culture?
13	A That's hard to explain.
14	Q Well, what sort of other vendors would be at the
15	Comic-Con?
16	A Sony PlayStation. Sony Image Work which is the
17	development, animation movie making division. Also Sony
18	Pictures, Lucasfilm, guys that do Star Wars. Star Wars is the
19	largest exhibiter at the Comic-Con. It's life size. Also the
20	Lionsgate Films are there. Scholastic Books is there. Sci-Fi
21	Channel is there. The History Channel had a booth this year.
22	They were promoting a game they had released Wizard of the
23	could Hasbro has a booth there. Marvel and DC Comics, Tokyo
24	Comics, a comic and magazine picker Playboy has a booth there.
25	Anyone to produce a magazine, a comic book, a movie, a toy. A

25

game, trading cards, anything that's falls kind of in the
collectable market. Hot Wheels, Mattel, they have a booth
there. Anything that is collectable or cherished kind of
things, they will generally have a booth there.
Q So Mattel and Hasbro at the booths, it would not just
be video games that they would
A No, they actually generally, they, the larger
companies don't actually have a sales booth. They would have a
booth up that would have displays of all the new toys coming
out and they might have a couple out so people can play with
them.
Q What's Scholastic Books?
A A company that produces the Harry Potter books. One of
the largest publishers of children's books.
Q So when you say you attended the Comic-Con, what do you
mean, do you have a booth?
A We have a booth also, and we sell we usually have
two booths. Next year if everything goes right we'll actually
have four. We have basically a place to sell our wares,
promote our books. It's the best place for face time basically
with customers because there's so many of them. And it's a
five-day event. It's huge. I can't really most people

It is 27 miles is what we came up, miles of aisles. It

takes all five days to walk and see everything because that's

1	not including the panels or the second and third floor of the
2	convention center. They also take up that's just the sales
3	floor.
4	Q Where do you hold the Comic-Con?
5	A The San Diego Convention Center.
6	Q What time of year is it held?
7	A Generally July and August.
8	Q What type of people attend the Comic-Con?
9	A All kinds of people. I see bankers. I've met several
10	attorneys there. Comic book fans, geeks ^ obsessed fans,
11	people who are just curious. Fan clubs. There is a lot of
12	people there. It's pretty much wide. There is no specific
13	demographics for comic books. It is basically a book, so the
14	same people who buy books, enjoy reading probably will enjoy
15	comic books to some extent.
16	Q Do you know how many people attended the San Diego
17	Comic-Con?
18	A I don't believe the office, but I know it was over
19	100,000 this last August.
20	Q 2005?
21	A Yes.
22	Q Are the people who attended the convention just from
23	the San Diego area?
24	A No. We have a fan club not a fan club, but a group
25	of people who call us their fan glub. Thoules not really

1	associated with us. They just like our stuff, from Arizona.
2	Some nice overzealous people there. We have a lot of fans from
3	Nevada. We have a lot of fans from New England states. We
4	have lot of the fans come from Germany. They come up and talk
5	to us. Since Kindergoth came out, the actual comic when it was
6	released in 2003, when I met them she bought No. 1 and came
7	back and bought No. 2 and every time we, a new Kindergoth
8	/RARLGS of what it is she runs up and buys one of them.
9	Q When you say you have fans or a fan club, do you mean
10	Kindergoth product or do you mean BloodFire generally?
11	A Kindergoth. Pretty much we were people who call
12	themselves BloodFire fan club. They're not associated with us.
13	We don't sponsor them, we don't give them anything. They just
14	come up and say we're your fan club. Some of them are very
15	organized which is kind of creepy, but they're pretty fun
16	people generally. Most of those fan clubs popped up because of
17	Kindergoth. Kindergoth got so much presence and did so well,
18	that it gave our other books a lot of exposure. So our sales
19	and everything started increasing after Kindergoth.
20	Q So there's more than one BloodFire fan club?
21	A Like I said, they are not associated with us, so we
22	have no log. But there's more than one group that come, you
23	mean, and say claimed to have a fan club.
24	Q Is there a Kindergoth fan club?

Large groups of people who call themselves Kindergoth

1 '	and address themselves by those titles. They wear our clothes,
2	our lapel pins, and send us letters and e-mails all the time.
3	Q All right. Going back to the San Diego Comic-Con.
4	What years have you attended that event?
5	A I've attended there's two different things.
6	Q Okay.
7	A Basically, there's attending it, which I showed up.
8	Q Uh-huh.
9	A And pretty much all of them except from '91 on except
10	for '94, '95 because I was overseas. And I think I missed '92
11	but pretty much all the other ones, I've attended. I've been
12	at the Comic-Con walking around at the booths. Since 1996, I
13	have been exhibiting where I actually bought a booth and parked
14	my butt and talked to people.
15	Q Okay. And what years have you had a booth and had
16	Kindergoth products at the booth?
17	A 2000 to current.
18	Q You've been there every year since 2000?
19	A Every year.
20	Q And each year you have Kindergoth products?
21	A Yes.
22	Q What years was the ashcan available which is Exhibit 5?
23	A It was available pretty much 2000 to 2004.
24	Q And we're talking about the Comic-Con?
25	A Yeah. After that they showed out, and we had the

Τ	booths by then, so we didn't worry about reprinting them.
2	Q And what about Exhibit 2, 3, and 4?
3	A Issue 1 and 2 which is Exhibit 2 and 3 were available
4	at 2003 on. And Exhibit 4 was available 2004 at the Comic-Con.
5	But Exhibit 4 first in the Los Angeles Comic-Con in October 31
6	to November 2nd.
7	Q Beside these three volumes of Kindergoth, do you have
8	any other ones?
9	A Yeah. Kindergoth was used as a book, Vampyrates. But
10	Vampyrates, basically the book, was too big for APE standard
11	36-page book, so we had to expand it to the next level, which I
12	think was 48 pages or something. But it wasn't quite big
13	enough to do 48 pages, so we began a 48-page story of
14	Kindergoth that was filled though empty pages that was produced
15	by BloodFire also. And four Tiny Green Men was released 2004
16	also at the Comic-Con.
17	Q This is Exhibit 8. Exhibit 8 consists of pages Bates
18	LLK-00156 through LLK-00159, LLK-00173, LLK-00162 through
19	LLK-00167. Can you identify what's been marked Exhibit 8?
20	A It looks like printout of the BloodFire website.
21	(Exhibit 8 was marked for identification.
22	by the court reporter.)
23	BY MS. LINDQUIST:
24	Q So starting with the first page
25	A Okay.

1	Q	what is that a photograph of?
2	A	That's our booth. Probably with the old 2001 yeah,
3	that's	our green camouflage netting, but it's basically a
4	picture	e of our booth.
5	Q	You're booth where?
6	A	At the San Diego Comic-Con.
7	Q	And in that photograph do you see any Kindergoth items?
8	A	Yeah. That's a T-shirt hanging to the upper right,
9	hanging	g off the booth.
10	Q	And then can you describe the second page with the
11	photo 1	there?
12	A	I was getting interviews for a program on G4 TV. It's
13	a cable	e channel for gamers and people interested in games at
14	our boo	oth.
15	Q	G4 TV, is that available nationally?
16	A	I believe it's internationally. It's available through
17	digita	l cable, satellite, and regular cable when you buy their
18	extend	ed package.
19	Q	Do you see the Kindergoth mark in that photograph?
20	A	Yeah. I believe the ashcans here in the front and also
21	the T-	shirt in the back. Also by the interviewers head.
22	Q	Are you wearing a Kindergoth shirt in that photograph?
23	A	Yeah. Actually, I am. You can see the outer edge of
24	one of	the characters, Heather.
25	Q	And that T-shirt has the word "Kindergoth" on it?

1	A	Yes, it does.
2	Q	And moving to the third page, can you describe that
3	photogr	caph?
4	A	It's another interview, although I don't recognize
5	anybody	there, so I can't tell you who they are. It would have
6	been or	ne of the local stations or something. But I'm basically
7	being i	interviewed by my painting. They're talking about my
8	artwor}	and the comics that I'm working on.
9	Q	Do you see Kindergoth in that?
10	A	Yes, I'm wearing a Kindergoth shirt.
11	Q	Can you describe the next photo in the exhibit?
12	A	It is picture of several of the girls from our company
13	who dre	ess up to basically attract repressed fan boys, a slang
14	term fo	or comic book nut.
15	Q	Is Kindergoth in that photo?
16	A	Yes, I'm wearing the same shirt I'm wearing now.
17	Q	And then the next photo, can you tell me about that
18	one?	
19	A	That is a photograph of two of my models with me and
20	Gene S:	immons from Kiss.
21	Q	When you say from Kiss, do you mean the rock group
22	Kiss?	
23	A	Yes, the rock group Kiss. Gene is the drummer and
24	Paul's	the guy with the big tummy.
25	Q	And is Kindergoth in that photograph?
	I .	

1	Α	Yes. Once again, I'm wearing the shirt.
2	Q	And says day-to-day comics Comic-Con 2001?
3	A	Yeah. That was September 2000, so Gene Simmons
4	attend	ed the Comic-Con in 2001.
5	A	Right.
6	Q	And then the next two pages, can you describe what
7	those	are?
8	A	It's a thumbnail, small pictures of photos that were
9	taken	of us at the 2002 San Diego Comic-Con. Click on them to
10	get to	the larger pictures.
11	Q	Do you see Kindergoth in any one of those thumbnails?
12	A	Yes, fourth one, second row. Fourth one from the left.
13	Q	And then the next photograph, can you describe that?
14	A	It's a picture of one our fans holding a Kindergoth
15	ashcan	•
16	Q	And what year is that?
17	A	This is 2002. This probably was in July or August of
18	2002.	
19	Q	Okay. And the next photograph?
20	A	This is a picture from the 2000 Comic-Con. Again, it's
21	Dennis	, myself, Jeff Zugale, and Ron Perlman. He starred in
22	the mo	vie Alien: Resurrection, The City of Lost Children, and
23	a bunc	h of those.
24	Q	And what Comic-Con was that?
25	A	2002.

1	Q Do you see Kindergoth in that photograph?
2	A Yeah. You have an ashcan on the right-hand side.
3	Those two books there, the one on the left, on the right side
4	I'm wearing part of the melodrama Kindergoth T-shirt. And I
5	believe there is another Kindergoth ashcan just underneath the
6	picture on the left side.
7	Q So this picture was taken in your booth in 2002?
8	A Yes.
9	Q And then the next photograph?
10	A The next photograph is again a booth of our 2002 from a
11	different angle, and it's me talking with some fans.
12	Q Do you see the Kindergoth mark?
13	A Yes, it's on the back of one of the lunch pails, that a
14	blank lunch pail that we had John draw on with Sharpie. We
15	draw the logo on every lunch pail we do. So one of those is
16	off to the left and directly on top of that looks like a
17	Kindergoth ashcan. Knowing how we structure the booth, it
18	probably is.
19	Q And then the last photograph, can you describe that for
20	me?
21	A It's a picture of Gen Howard, who is the wife of one of
22	my models who I talked into modeling as a character from one of
23	our comic books.
24	Q Do you see Kindergoth in that photograph?
25	A Yes, sir. Lower left-hand photograph.

1	A It's a pretty common practice at the book signing, at
2	any comic book signing where comic book celebrities show up, in
3	particular the artist, basically fans will bring a sketch book
4	and ask you to draw a picture in their sketch book and sign it.
5	Q So the sketch book has many different artist's
6	drawings?
7	A Yes.
8	Q What do you sketch? If I came up to you at the 2002
9	Comic-con and asked you to sketch, what would you sketch?
10	A I'll generally sketch, if no special request, I draw a
11	picture of a Kindergoth character, generally.
12	Q Do you ever put the word Kindergoth with it?
13	A Almost always.
14	Q And how long have you been doing these sketches?
15	A Of Kindergoth, since about 2000, but sketches in
16	general I've pretty much always done them even before I became
17	more known in the industry. You'd still have people who said
18	you must draw, sign my sketch book, and I'll draw a picture in
19	there.
20	Q So artists bring in sketch books to conventions or to
21	book signings. Do they bring them anywhere else?
22	A The fans bring the sketch books, yeah. I don't know.
23	I don't think so. I think they bring them to the convention to
24	try to get that artist to draw a picture for them.
25	Q Well, all right. And then we're going to mark these.

As Exhibit 9. 1 (Exhibit 9 marked for identification 2 by the court reporter) 3 MS. LINDQUIST: Off the record. 4 5 (Short recess.) MS. LINDQUIST: Back on the record. Mark these 6 7 Exhibit 10 and Exhibit 11 for the record. (Exhibits 10 and 11 were marked for identification 8 9 By the court reporter?) BY MS. LINDQUIST: 10 11 Can you identify what's been labeled Exhibit 9? 12 Yes. 13 It's a screen grab from Comic Book: The movie. It was a movie by Mark Hamill from Star Wars. He 14 basically made a movie about a comic book guy who wrote a fan 15 fanzine. He wrote a little fanzine, I forgot the name of it in 16 the movie, and he basically, you know, invited all his friends, 17 people from Hollywood and voice actors. What he does, he does 18 voices of cartoon characters and stuff. He invited all these 19 people to make this kind of from the hit movie about this guy 20 who is trying to stop a movie from being made about his 21 22 favorite comic book character, because it no longer resembles 23 him. 24 What is a fanzine? 25 Fanzines are pretty common in the comic book industry.

Basically if somebody it's basically a magazine written by a
fan. And they generally will keep producing them. So there
are books out there of people would really, really like the
movie The Crow. And they contact the producers or people who
wrote on the movie and give interviews and they print that. It
usually resembles our ashcans, xeroxed and stapled.
Q Okay. But it's a magazine?

- A Basically.
- Q So the screen grabs that are in Exhibit 9, what are they of?
- A The movie was filmed at the San Diego Comic-con convention and the screen grabs are during the scene where Mark Hamill and I were talking, and it was at our booth.
- Q And at that 2002 Comic-con, did you have Kindergoth at your booth?
- A Yes, we did. They're actually circled in the exhibit, so in screen one, I'm wearing a Kindergoth shirt and just over the shoulder, center at the bottom, there is an ashcan of Kindergoth laying on the table. In window two, same thing basically a couple frames later. It's still my shirt and the ashcan. On nine, on the table is the ashcan.

In window three, there is from a different angle many basically shots of a lady's backside. They are shooting a young lady from the backside and over her left hand shoulder is a Kindergoth shirt. I'm presuming -- it's kind of hard to see,

merchandise.

but it's like the one I'm wearing. And over just under her 1 2 right elbow there is a Kindergoth ashcan sitting on the table. 3 And those screen shots are from the Comic Book: Movie? 4 Yes, it is a movie by Miramax. 5 Α And the movie is available on DVD? 6 7 Uh-huh, and you can buy it at Amazon.com or Best Buy. Α So the T-shirt in these screen grabs on Exhibit 9, is that the same T-shirt that consists of the first two pages of 9 Exhibit 6? 10 11 Α Yes, it is. And then can you identify Exhibit 10? 12 13 Α This was from the -- I believe it was 2001 or 2002 Comic-Con. I don't see a date on it. 2001 San Diego 14 15 Comic-Con and it's from GES Exposition Services. Basically, 16 it's a bill. We had ran out of Kindergoth T-shirts, so the 17 company that are making our shirts some of the time were local, and we called them up and asked them if they could produce a 18 19 bunch for the next day. And they sent us several cases of 20 shirts the next morning. 21 And, basically, the union at the convention center said that the max load exceeded what we were allowed to bring in 22 23 using hand carts regardless of how much trips. So they billed 24 us for the use of a forklift to move in our Kindergoth

1	Q	Okay. So this invoice is from the San Diego Comic-Con,
2	2001?	
3	A	Right. And they basically billed us to use a forklift
4	to mov	e all our material to our booth.
5	Q	And the material you were moving, it was just
6	Kinder	goth T-shirts?
7	A	Just Kindergoth.
8	Q	And just the T-shirts?
9	A	Uh-huh. It may have been a case of comic books, but
LO	I'm pr	etty sure it was all T-shirts. The only thing we had to
L1	reorde	r was the T-shirt.
L2	Q	And you sold T-shirts at that convention?
L3	A	Oh, yes.
L 4	Q	And can you identify what's been marked Exhibit 11?
L5	A	Uh-huh. This is the invoice from us ordering those
L6	T-shir	ts.
L7	Q	What is the date on that invoice?
L8	A	The order date is 7/11/01 so July 11th, 2001.
L9	Q	And how do you know that invoice is for Kindergoth
20	T-shir	ts?
21	A	Because the Kindergoth shirt case on it put on the
22	melodr	ama and the company that did the shirt or invoice calls
23	it the	melodrama logo shirt.
24	Q	Okay. We're going to backtrack for a minute, and this
25	is goi	ng to be marked Exhibit 12. Exhibit 12 consists of the

1	four-page LLK 00140 through LLK 00143. Can you identify these
2	four pages?
3	A Yes. This is the Diamond previews catalog.
4	(Exhibit 12 marked for identification
5	By the court reporter.)
6	BY MS. LINDQUIST:
7	Q What is the Diamond preview catalog?
8	A Diamond Comics Distribution. Every month there were
9	these catalogs. It's about an inch, inch and a half thick.
10	It's really big and it has every product they're offering to
11	retailers that month.
12	Q So the first page of the exhibit is Kindergoth there?
13	A Yes, it was page 222 of Previews '03, and Kindergoth
14	was spotlighting actually.
15	Q What does that mean, "spotlighting"?
16	A The distributors, they have representatives who sit
17	down and meet and talk about what problems they have. There
18	are knew and hot-selling product, but mostly new products.
19	They try to pick what they think is the best and if they think
20	it is the best, they spotlight it.
21	Q When you say the distributors, who do you mean?
22	A Diamond.
23	Q So the Previews only goes to store retailers, or does
24	it go to somebody else?
25	A Well, Diamond sent it to the stores, but it can also be

purchased from retailers by anyone, just the average Joe
walking off the street. They have these cases of Previews that
they just hand out to people left and right they give away
free. They sell them through the comic book stores and
anybody.

There is an order form in the back of the book or included with the book, even a magazine form. And people will actually mark off everything that they want, take it to their retailer by the deadline on the order form, and every item they marked off the retailer can order.

Q So the preview essentially works as a preorder catalog?

A Yes, to the customers of that store. It's basically they have to order all their product that they want shipped for two months later.

Q What do you mean two months later?

A There is an overlap in the comic book industry, so Kindergoth, as far as product because most people don't produce their product up front and distribute it. It's too costly. To to try and keep costs down, the comic book industry has a way of -- they will put a title up and say this book is available.

In this case, this was November 2003. So in 2003, the retailers of the comic books added up their numbers, send it to Diamond and say they want this much. So in December 2003, BloodFire received an invoice saying we want this many thousands of books, however many orders they had gotten. We

1	would then call our printers and say we want you to make
2	however many books to meet those orders with BloodFire. We
3	actually add another couple thousand because we do tours and
4	signs and we do a lot of direct sales. So to keep our cost
5	down, we're tagging on, so per unit cost goes down the more you
6	print.
7	Q Okay. Exhibit 13. I know earlier you talked about
8	CafePress. Can you identify what's been marked Exhibit 13?
9	A It's some of the items that we have in the CafePress
10	store.
11	(Exhibit 13 marked for identification
12	By the court reporter.)
13	BY MS. LINDQUIST:
14	Q Can you look at each of the pages and confirm it's all
15	Kindergoth material?
16	A Yes, it is.
17	Q And can you explain again what CafePress is exactly?
18	A CafePress.com is a print-on-demand service. So anybody
19	who comes up with an idea and doesn't have the money to market
20	it, mass market it or produce it by the thousands and then sell
21	it to stores, can actually set up a storefront and you upload
22	the artwork. And what they will do is if somebody orders a hat
23	or T-shirt or something from you, they have a system that will
24	basically spit out the order. They will print that one out.

That was order -- that's the purchase for print-on-demand, and

1	they will send it to our customer.
2	Q So CafePress actually handles the ordering and the
3	sending of the item?
4	A Right. All I'll do is design the product based on
5	templates that they provide, so only specific products that
6	they make, that they have in stock can we actually make
7	merchandise.
8	Q So CafePress makes the items in that exhibit for you?
9	A Yes.
10	Q Has this been a successful way to sell Kindergoth
11	branded items?
12	A Successful in that it pays for itself. It is not
13	costing me any money, and it does pretty well.
14	Q Okay. Now, I'd like to talk about the Kindergoth
15	customer. Who is the Kindergoth customer?
16	A Comic books are books. They're going to be read. So
17	basically if you can read, you're our target audience.
18	Q What age group are your customers?
19	A My youngest customer is six and my oldest has got to be
20	in her 80s or 90s. It is no set demographics. We make a book
21	we like and hope other people with like it, too.
22	Q Now we're going to talk about sales. Do you know how
23	many T-shirts in terms of volume that you've sold?
24	A Not officially. I don't know the exact numbers because
25	I'm the creator guy, not the numbers guy. I know that our
	1

1	first order of T-shirts we had to reorder because we sold out.			
2	The receipt that you actually showed me a minute ago, where is			
3	that? Exhibit 11, this particular one, let me see what the			
4	numbers were on this. 69 shirts. We sold out of them the			
5	first day which is why we had to Exhibit 10, that's why we			
6	have Exhibit 10 was because we had to reorder. So those sold			
7	out on the 18th, and we had to buy more shirts overnight.			
8	Q So at one Comic-Con, that 2001 Comic-Con, can you			
9	estimate maybe how many shirts you sold at that time?			
10	A Probably 200.			
11	Q Do you think that number is consistent for the 2002,			
12	2003, 2004 and 2005 Comic-Con?			
13	A Of that particular design pretty much. In 2003 we			
14	released a couple more Kindergoth shirts and those sold really			
15	well for us. After that numbers of the first shirt kind of			
16	declined a little bit, but it's still very much a viable			
17	seller.			
18	Q But you can't give an overall volume?			
19	A I don't know the actual numbers, I'm sorry.			
20	Q What about the ashcan? Do you know the number that			
21	you've printed of that?			
22	A Every Comic-Con we print at least 500, so I don't know			
23	the exact number, but a lot. Quite a few. And it actually			
24	finished the production of the final Kindergoth books 2003.			
25	Q So that would have been the one. So the ashcan was out			

so 2000, 2001, 2003? 1 Yes. As far as the shows we did because we use the 2 ashcans. So for the smaller shows, we get about 200 made; and 3 for the larger shows, we get about 500. 4 5 How many shows do you do a year? On average, about three on the big shows, shows like 6 7 San Diego Comic-Con. Sometimes we also do print-ups for wonder 8 com. So it's been a few thousand books I'm sure. 9 Of the ashcan? 10 Α Of the ashcan. 11 And what about the comic book one, two, three, which 12 are Exhibit 2, 3, and 4? 13 We sold a thousand copies of each at the San Diego Comic-Con 2003. The reason it was 1,000 of No. 1 and 995 for 14 edition No. 2, because we only had a thousand books of each 15 with us. And we only had five copies of No. 2 left on Sunday. 16 So we did really well that show. It was unheard of for a 17 company to sell that number of books at the show. 18 That was our official print number was 2,000. We had 19 20 1,000 express mailed so we had it in time for the show. rest showed up that Monday after the show, so we sold 1,000 the 21 22 first day. The rest of the books we ordered after the Las 23 Vegas Comic-Con when we printed issue three. And once again, we printed 2,000. All our initial runs is 2,000 with the logo 24

on the back cover, so it's kind of a minimum we do just from

the people that buy directly from us.

And the stores that buy directly from us they get sort of a special edition. But we didn't sell anything. It was a limited version and then when Diamond gave us orders it was 5,000, 6,000 books. And we tacked on another couple thousand of that, so issue one alone had a print run of 10, 12,000 over all.

- Q Have you sold all those?
- A I think we have one case in the warehouse somewhere.
- Q Is that also true for issue No. 2?

A We're starting to run low on that one as well. It's still in stock, but the aftermarket for comic books because it's a collector market. As a product becomes older, the price for older issues that are no longer printed go up higher. So the secondary market for Kindergoth has been steadily increasing. So comic stores are now selling them for \$10 to \$15 a pop. So we're kind of hesitant to put out anymore.

- Q So do you think you ran 10,000 of issue No. 2 as well?
- 19 A Probably.
- Q Is that true for issue No. 3, maybe 10,000?
 - A On three the sales actually went down a little if I remember. The print run of No. 1 was around 10,000; No. 2 was slightly less, 9 or 10,000; issue 3, our orders went down, so I would say 5,000 for issue 3. And then for issue 4, orders went back up again, so probably around 7 to 9,000.

-	Q Do you have issue 3 available for purchase now?
2	A Some. It's pretty limited though.
3	Q When you say "pretty limited," what do you mean?
4	A It's been distributing. It's past prior distribution,
5	so all the stores got what they initially wanted. Now the only
6	books that are out there are the after books.
7	Q So BloodFire stock still had some?
8	A We sell for \$3 cover price, so when we sell out.
9	Q Okay. Let's talk a little about the pricing. What's
10	the sales price for the T-shirt that you're wearing, Exhibit 4
11	appears to be the same as Exhibit No. 6?
12	A It is. We sell those T-shirts for \$15 for size small
13	through extra large. And then the larger size for each X above
14	X, there's a extra dollar that attaches.
15	Q And that's the same for all T-shirts?
16	A Yes.
17	Q And for the ashcans?
18	A One or two bucks each.
19	Q And that's been consistent since 2000, the price?
20	A Right.
21	Q And what about the comic books, how are those?
22	A \$2.95 so they will sell those in the stores so we
23	didn't have to do a change. So we charge \$3 San Diego
24	Comic-Con and charge taxes out of our own.
25	Q So your most recent issue No. 4 was sold for \$3 at the

1	Comic-Con?				
2	A Yes. It was sold for \$4 because it was a double-sided				
3	book.				
4	Q Let's talk a little about advertising that you do for				
5	the Kindergoth products. Where do you do advertising?				
6	A We advertise directly to the stores through postcards,				
7	mail orders. We'll get stuff printed up and send them to the				
8	distributor, and they'll send them to the stores. We also do				
9	ads and we buy ads in Previews.				
10	Q You just said that you have stuff printed up for the				
11	distributor. What do you mean by "stuff"?				
12	A The postcards that we send to the store directly. We				
13	can order a list from Diamond of what stores bought things from				
14	us and what numbers so we know who our high-end stores are. We				
15	can actually print off ads specific to those high-end stores or				
16	high-selling stores and give it to Diamond for a fee, and				
17	they'll pass it on to all the specific stores for us.				
18	Q And those kinds of ads would be post cards. Could it				
19	be anything else?				
20	A Comic books, ashcans, it could be a stuffed animal,				
21	whatever you want that retailer to think more about Kindergoth				
22	and try to push it a little more.				
23	Q Do you do any internet promotions?				
24	A Yes, we do. We used to do a lot of mailing. Our				
25	mailing list has been down for a few months, but we would				

have them.

1	actually send out e-mails. We announce on our website every
2	time we do stuff. We release press releases, so comic stores
3	get press releases that a new book was coming out or is coming
4	out soon.
5	Q You mentioned previews. Let's go back to Exhibit 12
6	and if you look through the pages of Exhibit 12, are there
	advertisements for Kindergoth on there?
7	advertisements for kindergoth on there?
8	A Yes. On LLK 00141, there is an ad for Kindergoth issue
9	two which was previewed January 4th.
10	Q Okay. How much would an ad like that cost?
11	A This was a black and white ad, so it probably cost
12	\$750 no, 1700. This one was 1700.
13	Q Are there any other ads in that exhibit?
14	A Yes. Vampyrates, which is preview LLK 00143. And that
15	is the full color ad we did for Vampyrates, and I think it was
16	around 4000 for this ad.
17	Q So when you say you do advertisements on the internet,
18	where would one find those advertisements?
19	A Digital.com. Newscomic.com. Basically, any of the
20	online comic magazines. We will either buy a banner ad or
21	we'll send a press release to them, and they'll include it in
22	their list of news articles for that day.
23	Q Okay. And at the trade shows do you do many giveaways?
24	A Yeah. We give away postcards and trading cards if we

1	Q Okay. Can you think of any other promotions that you
2	do?
3	A That's about it.
4	Q I know you mentioned you had a licensing arrangement
5	with a nightclub here in L.A.?
6	A Yeah.
7	Q Do you do any promotions at that particular nightclub?
8	A Yeah. That one's Cathedral. It's down in San Diego.
9	We license artwork to them through their fliers and stuff.
10	Periodically, they have us come to the club and sign authors.
11	Also there is this club here in L.A. called The Dungeon and the
12	owner of the club is a guy named Courtney, I forgot his last
13	name, but he is a big fan. And he's invited us up several
14	times to do author signings in the nightclub. We'll make a
15	booth and actually sell our product, and we actually sell quite
16	a few with people dancing around us.
17	Q Exhibit 14. Okay. Can you identify what's been marked
18	Exhibit 14?
19	A It's the postcard we printed up to announce that we
20	were making a trade paperback of the Kindergoth Tiny Green Men
21	story line.
22	(Exhibit 14 marked for identification
23	by the court reporter.
24	BY MS. LINDQUIST:
25	Q What's a trade paperback?

1	A It's basically a collection of the four issues that			
2	appeared and a lot of times at the end of the book people will			
3	ad something new like a short story or something so the people			
4	who bought the books originally might be incited to buy the			
5	collection as well. So in Kindergoth 1, they'll be a backup			
6	story included in the trade paperback.			
7	Q Is what's been marked Exhibit 14 the representative of			
8	the postcards you handed us?			
9	A Yes. Sometimes we make them bigger, but for the most			
10	part this is pretty much it.			
11	Q Okay. We talked earlier about book signings that you			
12	do in stores. How many years have you been doing those books			
13	signings?			
14	A I've been pretty much doing the book signings since '98			
15	when the first book came out from BloodFire. And any book we			
16	have coming out or that we have in stock, we take with us to			
17	the shows.			
18	Q Did you do any book signings in 2000 for Kindergoth?			
19	A Several. We did I can't remember if it was 2000 or			
20	2001, but we did several signings in Las Vegas from a comic			
21	book store cross from UNLV. I can't remember the name of the			
22	store, but they buy a lot of books from us also. I want to say			
23	Galaxy Comics. We also went to a comic book store in Las Vegas			
24	on Rainbow to do a signing later that week also on the same			
25	tour. We did several signings at the Silver Cactus Comics in			

Phoenix. And I believe we actually did one in Lone Star Comics in Dallas-Fort Worth.

Q What years were the signings done?

A Dallas-Fort Worth was probably 2000 with the ashcan to say this is a new project we're working on. We sold it there as well. But I think it was primarily to promote the other books that we had out at the time. And then I think after we started pushing the ashcan really hard at the shows.

Q How often do you do the signings in the retail stores?

A Every couple months. We'll get calls basically from the store asking you to come up or if there's a book really

A Every couple months. We'll get calls basically from the store asking you to come up or if there's a book really selling really well, we'll call Diamond with that list, and if we get the list from them we can go -- basically, we'll find out what fans buy a lot from Diamond and contact the stores that sell lots of our products, and we'll make arrangements to go do a signing there. Our stores we have -- if we have a new book coming out we'll also go to the stores for signings.

Q Going back to Exhibit No. 3, the last three pages of that exhibit, can you identify what those pages are?

A The first one, third from the last, is a Vampyrates ad.

It's a comic released from BloodFire that had a comic book backup stored. The next is Neko Press by Billy Martinez another publishing company. And the last page is the back cover to Kindergoth.

Q So the one that you've identified as an ad for Neko

1	Press?		
2	A Neko Press.		
3	Q Did Neko Press have to pay for this advertisement?		
4	A Yes and no. No cash was transferred, but they gave us		
5	for every ad we swapped that they bought with us, we just made		
6	arrangements to run ads in their book. So instead of trading		
7	cash; we traded ad space.		
8	Q So is Kindergoth in the back of Neko		
9	A Yes.		
10	Q comics?		
11	A Yes.		
12	Q Is it advertised in the back of other comics?		
13	A Yes. Several. I don't know all the names. Alias		
14	Comics. Avatar. I think they traded ads also. So I don't		
15	handle the logistics. I just decide ads, and Dennis is the one		
16	that sends them out to everybody.		
17	Q And these types of advertisements would only be done in		
18	a comic book? They wouldn't be done in an ashcan; correct?		
19	A Correct.		
20	Q And can you think of any other product promos that		
21	you've done, if there's been any product placement or anything		
22	A Product placement, yes, we did. We didn't have to pay		
23	for it. It was the art director, one of the art directors for		
24	Universal Pictures. We remember working on a movie called		

Perfect Man and this was supposed to be like a dirty movie, a

chick flick. I don't know the specific terms, but it's a date movie basically. But it was a girl who was trying to find a perfect man. It was a romantic comedy in really, or target audience.

The art director of the film was a big fan of our book, so he asked us if we had any products that they could use in the movie. So we sent them several of our comics and T-shirts so they could wear them during filming. And it went well, ed and they called us back and said they remember doing a scene in the convention and wanted to know what kind of sceens we used, and if we could provide it to him. So we basically sent them pretty much one of the BloodFire booths from the Comic-Con which had Kindergoth and BloodFire banners everywhere.

Q Okay. Now I'd like to talk about advertising and promotion cost. And I know we discussed the preview advertisements and cost for those, and we've also talked about the back of comic book advertisements. What are the costs to attended a trade show such as Comic-Con and to have a booth there?

A There are two different expenses to attend, meaning you're just going to walk around I think it costs between \$20 and \$30 for a ticket. I think it's \$20, could be more. To exhibit there is significantly more expensive. We buy end cap booths or corner booths, several of them, so the scale gets up into the thousands. I don't know the specific numbers, but I

1	think it was after everything was bought and paid for, I think			
2	at this next show we're actually looking at a \$10,000 bill if			
3	we get three or more, if we went with the four booths.			
4	Q The 10,000 is for four booths?			
5	A Yes.			
6	Q What is an end booth?			
7	A The end cap booth, the way the aisles are designed			
8	they're booked on the very corners basically where			
9	intersections are. And if you buy one of the booths, all the			
10	booths are back to back. So if you buy one of the booths you			
11	get a corner booth on the edge of the aisles. If you buy both			
12	the ends you end up with an end cap. So you have three aisles			
13	own either side. If you get four you can actually get an			
14	island which is four aisles surrounding the booth.			
15	Q Okay. Do you know what the costs of exhibiting at the			
16	2005 Comic-Con were for you?			
17	A Yeah. I'm trying think. Once again, I'm not the			
18	numbers guy, so I don't know the exact numbers, but I think it			
19	was around 8 to 10,000 total having all the equipment brought			
20	in.			
21	Q And at the booth, at the Comic-Con, you have			
22	Kindergoth, but you would have other products as well?			
23	A Basically, all BloodFire products would be there as			
24	well as products that are not yet.			

Q Do you get a lot of fan mail?

25

A	Mostly	through	e-mail.	but	veah.

- Q Has there been recognition of Kindergoth through the industry?
- A Yes, especially through the media. We were fortunate to have Variety Magazine give us a great review. I think the sentence we use in our ads is basically a little more than enough one liners to fill a John Hughes film. John Hughes is the guy who did Sixteen Candles and Breakfast Club and all those movies.

entertainment, other entertainment magazines, and there is a fairly new one Moviepoopshoot.com. It's run by View Askew Productions associated with Miramax and line none. And they reviewed our book and gave it great reviews. They said it was really funny. I believe they called it "A pop culture reference best. Also, we got reviews from users at epinions.com where we have a five star rating from someone who was just the average Joe who read the book and says, "I love this." I have lots of ads from, we have quotes from people in the industry, Len Wein. Len created the X-men so -- he created -- basically the X-men that appeared in the movies he sent us a quote that said, "it's just funny funny funny funny fun, damn funny."

- Q What is the X-men?
- A A comic put out by Marvel. They made trading cards,

1	mass merchandise property.		
2	Q	When was the Variety review that you mentioned?	
3	A	2003 or 2004. I want to say it was 2004.	
4	Q	Do you know Steve Varner?	
5	A	Not personally.	
6	Q	Have you met Steve Varner before?	
7	A	Yes.	
8	Q	Where did you meet him?	
9	A	I met him at the 2004 San Diego Comic-Con.	
10	Q	Does he sell a product under the name Kindergoth?	
11	A	"Kindergoths," yes.	
12	Q	What's his Kindergoths product?	
13	A	Plush toys.	
14	Q	Does he sell the Kindergoths product at the San Diego	
15	Comic-	Con?	
16	A	Yes.	
17	Q	We marked this as Exhibit 15. Can you identify what's	
18	been m	arked Exhibit 15?	
19	A	It's Previews catalog page.	
20		(Exhibit 15 marked for identification	
21		by the court reporter.)	
22	BY MS.	LINDQUIST:	
23	Q	What's the date on it?	
24	A	From Previews 2004.	
25	Q	And what is on the exhibit?	

1	A Under "miscellaneous," there is green edge Kindergoth			
2	Exhibit #15.			
3	Q That is Steve Varner's product?			
4	A Yes.			
5	Q So your comic books and Steve Varner's Kindergoths			
6	products are sold through the same distributor?			
7	A Yes. If I remember correctly in this particular			
8	catalog Kindergoth No. 4 was solicited as well.			
9	Q Besides the San Diego Comic-Con, do you know of any			
10	other places where your Kindergoth product and Steve Varner's			
11	Kindergoths are sold?			
12	A Yeah, pretty much cross sales, which happened through			
13	any store that buys through Diamond. So we've seen it in lots			
14	of comic book stores. There is also the Long Beach Los Angeles			
15	Comic-Con of Wizard World and Las Vegas Comic-Con and shows			
16	that we've done and that they've done also. They have			
17	products Kindergoths as well. Any store that orders through			
18	Diamond. So some mom and pop stores get their orders, and			
19	through Diamond they'll order both of them. Also I believe			
20	Spencer's Gifts ordered books through Diamond and Spencer's.			
21	Q Spencer's Gifts and Hot Topic are retail stores?			
22	A Yeah. They're mall shops.			
23	Q All right. Have you received any communication in			
24	e-mail from people indicating they're confused by the use of			
25	Varner's Kindergoths and your Kindergoth?			

1	Α	Yes.
2	Q	Can you give me some examples of those communications?
3	A	The best example I think was 2003, when we first came
4	across	their toys. The last two days of the Comic-Con, Dennis
5	actual:	ly counted how many people came up and asked us questions
6	about 1	the toys or had bought the toys thinking they were ours.
7	So any	reference to the toys, to the product he counted 175
8	times,	and that was in two days at the show.
9	Q	So that was 175 different inquiries about whether or
10	not the	ere was a relationship between Kindergoths Varner's
11	product	t and Kindergoth, your product?
12	A	Yes.
13	Q	I think you said you received e-mails indicating that
14	people	think there is a relationship between the two?
15	A	A lot of them, yes.
16	Q	How many do you receive a month?
17	A	I probably get about 44 or higher a month, but there
18	was one	e day I got 15, 20 in a day. So it varies.
19		MS. LINDQUIST: Let's mark this Exhibit 16.
20		(Exhibit 16 marked for identification
21		by the court reporter.
22	BY MS.	LINDQUIST:
23	Q	Can you identify what's been marked Exhibit 16?
24	A	It's an e-mail to me through the BloodFire e-mail
25	addres	s.

1	Q What was the e-mail about?
2	A We were doing a signing at Bats Day, and a gentleman
3	sent me an e-mail saying that he wanted me to autograph his
4	doll and he couldn't find the book, the comic book. This was
5	August 2004, so the book had sold out primarily through the
6	stores.
7	Q What doll was he referring to?
8	A Kindergoths doll.
9	Q Steve Varner's product?
10	A Yes.
11	Q Is this e-mail representative of the kind of emails you
12	receive?
13	A Yes. And I actually have people bring the dolls and
14	want me to sign them.
15	Q Did you do this?
16	A We actually had a retailer come up to us and tell us
17	that she had ordered a bunch of our toys, and we informed her
18	we didn't have any, yeah. I filed the lawsuit after I got them
19	because they weren't related to the book at all. The
20	characters didn't look the same, but she had ordered them from
21	a previous catalog thinking they were part of ours.
22	Q Do you remember when that was?
23	A That would have had to have been 2004. It was close to
24	January, March. January, March, May, and July we had the
25	Kindergoth products in previous catalogs, and July or June '04

1	was the no, it was July '04. But she had ordered one
2	thinking it was ours.
3	Q Do you remember the name of the store?
4	A Comics Unlimited. They are a store we do signings at
5	in Westminster.
6	Q When you say "Westminster," do you mean Westminster,
7	California?
8	A Yes.
9	Q Besides Steve Varner's Kindergoths product are you
10	aware of any third-party uses of Kindergoth or Kindergoths?
11	What are your future plans?
12	A Since it was first released in 2000, especially with
13	the Fox cabling in 2003, we've had seven or eight studios ask
14	us if we are making a cartoon. So we are in various stages of
15	negotiation with some of these companies.
16	We also originally had, in 2003, we had prototype toys
17	we made of the book and when we saw the Steve Varner products,
18	we had to put that on hold because it was already confusing
19	people, and we didn't want to confuse people anymore and have
20	them buying merchandise or thinking they were going to buy
21	their product, and it wasn't related to us. It was too much
22	confusion so we backed out of it originally.
23	We'd still like to make toys. We have the statues,
24	little mini buses, that are collectable key chains and
25	novelties we looked to start making.

1	Q Is it common in the comic book industry for there to be
2	expansion beyond just the printing of comic books?
3	A Yeah. It's basically in the entertainment industry
4	as a whole, it's very common comics fueling into the
5	entertainment. The best example is Batman. It started as a
6	comic, it's been a movie, a comic book and then it was a TV
7	show, a movie. It's been several cartoons and it's also a lot
8	of movies.
9	It's been toys related to comics, toys related to
10	movies, toys related to cartoons. You can come back in a
11	couple of days with Batman trading cards. Things you slap that
12	icon on become collectible merchandise basically. So the way
13	the industry is, it's basically marketing and merchandising.
14	They try to stick the logo on as much and as many things as
15	possible. Superman is an example, and the X-Men, Spiderman all
16	started as comic characters the Incredible Hulk. Cartoons,
17	comic books all interrelated pretty much as far as marketing
18	sales.
19	MS. LINDQUIST: I'd like to take a break for just a
20	minute. I just want to make sure we're not missing anything
21	and then we can all leave. Off the record.
22	(Short recess.)
23	MS. LINDQUIST: Back on the record.
24	Q Earlier you mentioned the APE convention in San
25	Francisco or Oakland, and I think you said you did not have a

booth at that convention; is that correct?

A Yes. I was managing a band and we just decided, "let's go see APE." So we just kind of went in to see what it was like.

- Q So you've been to the APE convention as an attendee?
- A Yes.
 - Q So at that convention, did anyone recognize you as the creator of Kindergoth?
 - A Yes.
 - Q And the people that recognized you as the creator of Kindergoth, what did they do? Did they approach you and talk to you? What did they do?
 - A Basically, they would walk up. I also wore a Kindergoth shirt which I do almost all the time. So people would walk by and say that's really funny, and I told them thank you. And some people recognized me and sometimes realized it was me because I said "thank you." And we struck up a conversation. Usually they tell me what they liked about the book, and if there was anything they didn't like about the book. What was their favorite character? What was their favorite jokes? Did they feel it was inappropriate for their kids? A lot of times I'd sign sketch books, and they'd ask me to sign characters of the book.
 - Q Do you remember what year that was you attended the APE convention?

1	A It was probably 2003, 2004.
2	Q And what time of year does APE occur? In the spring,
3	summer?
4	A Spring, usually sometime between January and March, I
5	believe.
6	Q All right. I think that's all we have.
7	MS. LINDQUIST: Send the transcript to Mr. Kohse.
8	Stipulate and the court reporter is relieved of her duties
9	under the Code.
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8	I, LARRY LEE KOHSE, JR., do hereby declare under
9	penalty of perjury that I have read the foregoing transcript of
10	my deposition; that I have made such corrections as noted
11	herein, in ink, initialed by me, or attached hereto; that my
12	testimony as contained herein, as corrected, is true and
13	correct.
14	Executed this O7 day of MOVEMBER,
15	2005, at SArDielo, California.
16	1,/
17	
18	LARRY LEE KOHSE, JR.
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4	I, the undersigned, a Certified Shorthand Reporter of
5	the State of California, do hereby certify:
6	That the foregoing proceedings were taken before me at
7	the time and place herein set forth;
8	That any witnesses in the foregoing proceedings, prior
9	to testifying, were placed under oath;
10	That a verbatim record of the proceedings was made by
11	me using machine shorthand which was thereafter transcribed
12	under my direction; further, that the foregoing is an accurate
13	transcription thereof.
14	I further certify that I am neither financially
15	interested in the action nor a relative or employee of any
16	attorney of any of the parties.
17	IN WITNESS WHEREOF, I have this date subscribed my name.
18	
19	Dated:007 2 0 2005
20	
21	
22	W 11 0 1
23	Paty K. Jackson KATY K. JACKSON
24	CSR No. 12680

CHANGES/CORRECTIONS

Page/Line	From	To
6/25	JERRY COX	DEROMY COX
7/16	I WENT FOR	I DID WORK FOR
8/11	ORANGE COUNTY JOBBERS	
8/20	ALL THEIR	All THE
8/21	ALL THEIR	AU THE
9/3	STUDIOS. AND 175	STUDIOS, IT'S
12/22	THAT'S A TERM	THERE'S A TERM
16/24	SCANNER FRAME OF	SCAN OF
21/8	SCORINGS	CERTAIN
21/11	XMEN AND WOMEN	X-MEN AND WOLVERINE
21/12	OUT SELL THE NO. 1	OUTSELL THE NO.1 COMIC
21/25	DOWN AROUND	DRIVE AROUND
23/24	THEIR 28 LARGER COMICS	THEY'RE THE 2 LARGEST COMI
23/24	COMES IN THE CHORD.	COMPANIES IN THE WORLD
24/13	ORDERS THROUGH ISRAEL	ORDERS CUT TO ISRAEL
24/19	TO US ?"	TO US IN ISRAEL?"
25/3	NOOSE, SIR	BLOODFIRE, COM
25/12	WAS A PRINT AD, PRINT AND ALISE	115 PRINTED AND HAS AlisE
25/15	THAT HE MAKES	THEY MAKE
25/17	ONE You're	ONE YEAR
25/18	HAD DRAWN A PICTURE	Could DRAW A PICTURE ONE
27/1	FREE STALES	FREE SPACE
27/9	PRINT ISSUE	PRINTER WE USE
27/11	7500	S,000
27/12	2,000	7,500
	11/	1,300

Witness signature

27/007/0

Date

PAGE LINE TO Fron WONDERCON 28/23 CONBERTIME 29/7 TOKYO THE SANDIEGO IS SAN DIEKO, WHICH IS NO.Z IN THE WORLD IS TOKYO NO. 2 IN THE WORLD COAST, HASBRO COULD HASBRO 29/23 29/24 POP, A COMIC Comics, A Comic 29/24 PICKER PUBLISHER 29/25 ANY ONE WHO ANY ONE TO 31/18 REALLY KNOW THE BELIEVE THE OFFICE OFFICIAL NUMBER 31/25 US THEIR THEMSELUES OUR 32/4 GERMANY THEY GERMANY THAT 32/6 WHEN I MET THEM I MET ONE AND 32/7 WE, A WE RELEASED 32/8 /RAPLGS OF PRODUCT NO MATTER 32/11 WE WERE THERE ARE 32/17 PRESERVE PRESS 32/22 COME, YOU COME UP TO US, IF THAT'S WHAT YOU 33/25 SOLD OUT SHOWED OUT 34/1 BOOTHS BOOKS 34/4 2003 ON 2003 COTIC CON 34/4 4, ISSUE 3, WAS 4 WAS 34/4 2004 2003 THE COMIC-CON 34/4 THE LAS UEGAS COMIC-CON 34/5 FIRST IN THE LOS ANELES COMIC FIRST SOLD ATTITE LAS UEGAS COPTIC 34/10 APE A 34/13 A 48 PAGE STORY A 14 PAGE STORY 34/14 THOUGH EMPTY PAGES THAT THOSE EMBTY PAGES. THAT 34/15 AND FOUR AND ISSUE FOUR OF 35/2[']4 CHARACTERS, HEATHER CHARACTER HEATHER 36/23 IS THE BASSIS 7 IS THE DRUMMER 36/24 PAUL IS THE GUY WITHE BIG TUMPY, PAUL STANLEY IS THE SIBLER

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52/23	Stores so Do a change. So
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53/2	IT WAS
53/7	MAIL ORDER
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Attorney Ref.: 800857

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LARRY LEE KOHSE, JR.,

Opposer,

v.

STEVE VARNER,

Applicant.

Opposition No.: 91/161,217

OPPOSER'S NOTICE OF TAKING TESTIMONY DEPOSITION

Opposer hereby notices that it will take the testimony deposition upon oral examination of Larry Lee Kohse, Jr. on September 28, 2005 commencing at 10:00 a.m. The testimony deposition is being taken pursuant to Trademark Rule 2.123 and will be taken at the offices of Blakely, Sokoloff, Taylor & Zafman, 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025. Opposer's deposition will be taken before a certified court reporter or other person authorized to administer oaths.

You are invited to attend for purposes of cross examination.

Respectfully submitted,

LARRY LEE KOHSE, JR.

By:

Gary D. Krugman

Leigh Ann Lindquist Attorneys for Opposer

SUGHRUE MION, PLLC

2100 Pennsylvania Avenue, N.W.

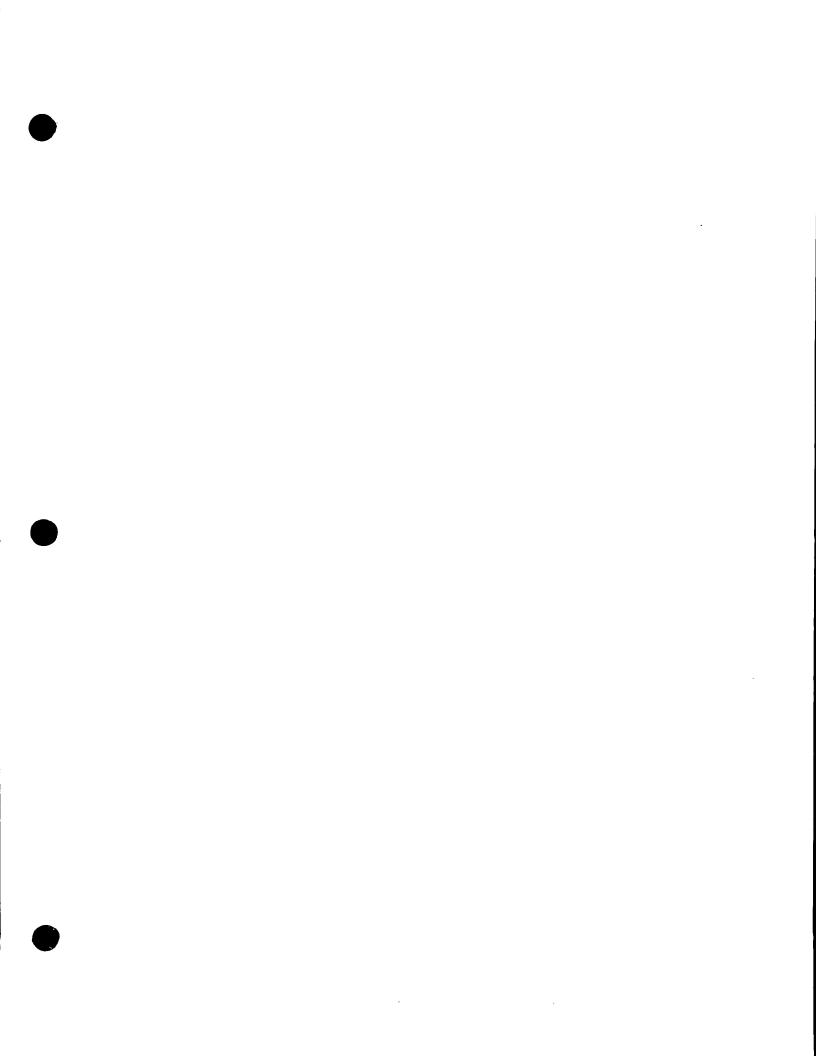
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Tele: (202) 293-7060

Date: September 20, 2005

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Date 28/05 Rptr. KJ



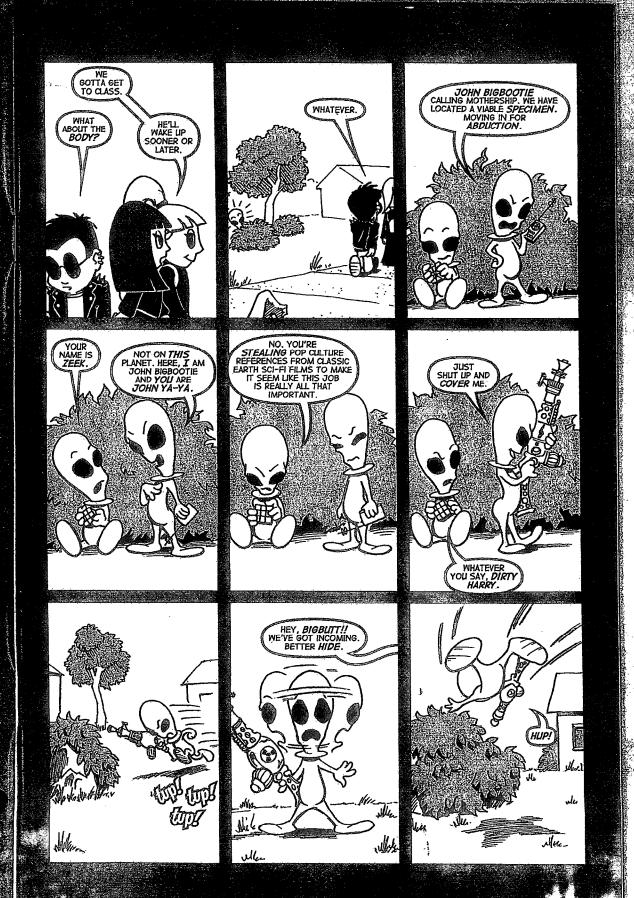


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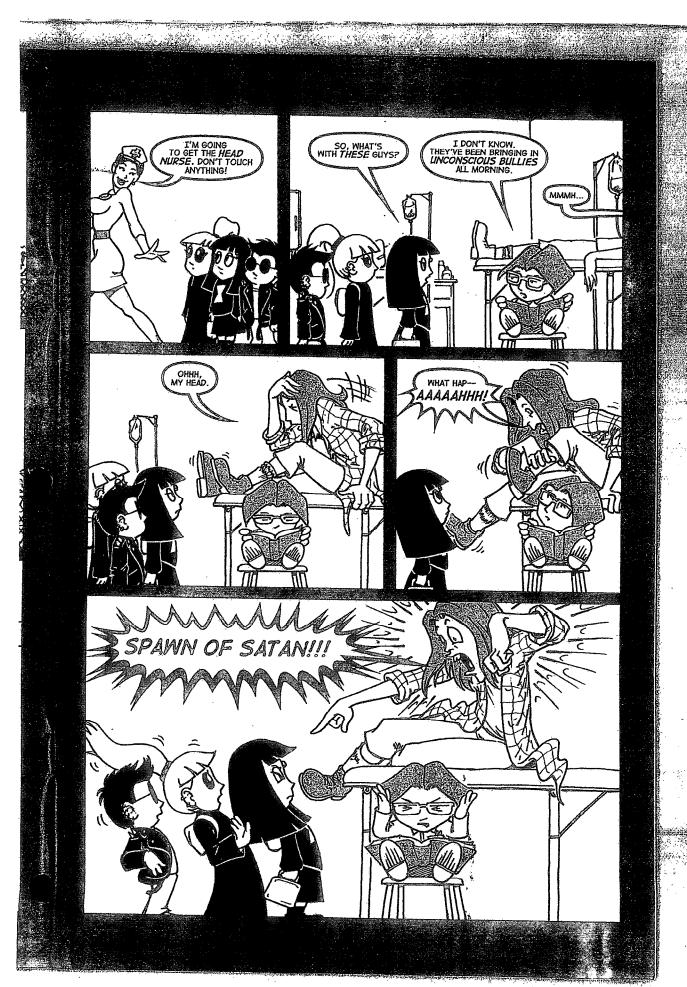






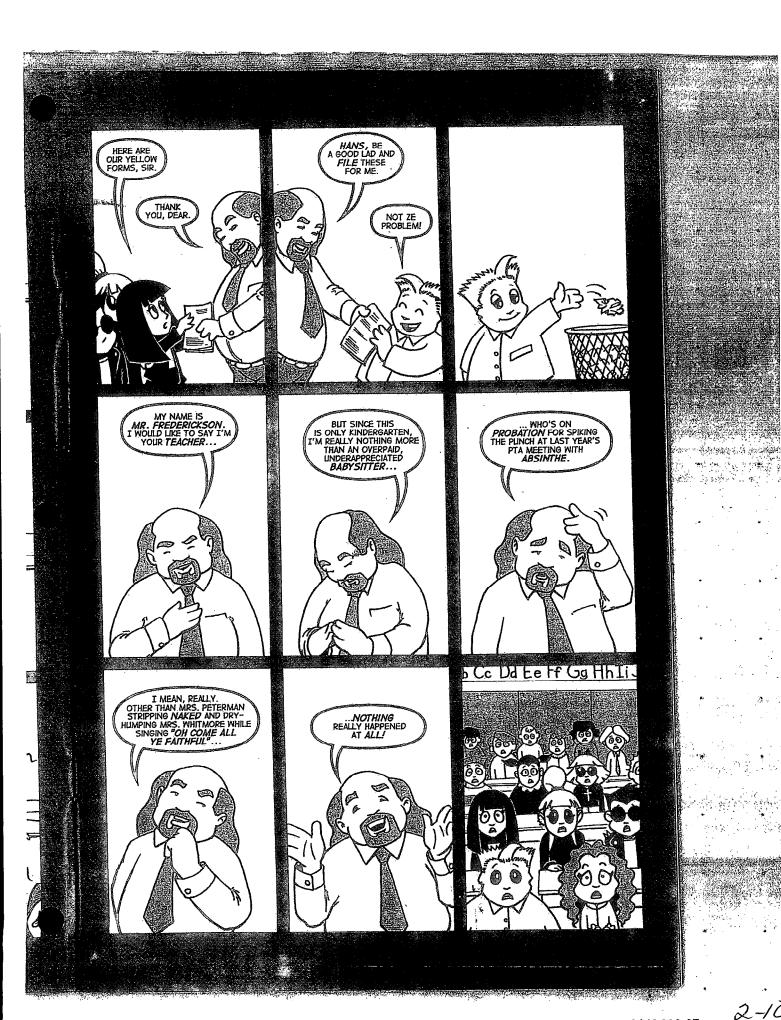






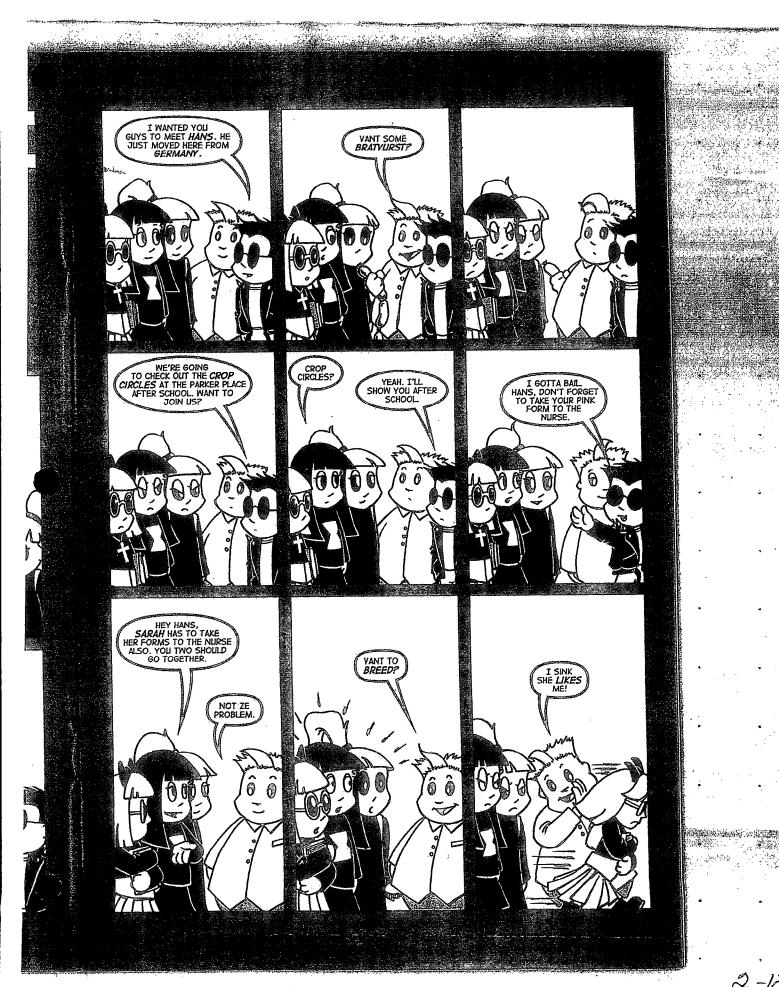


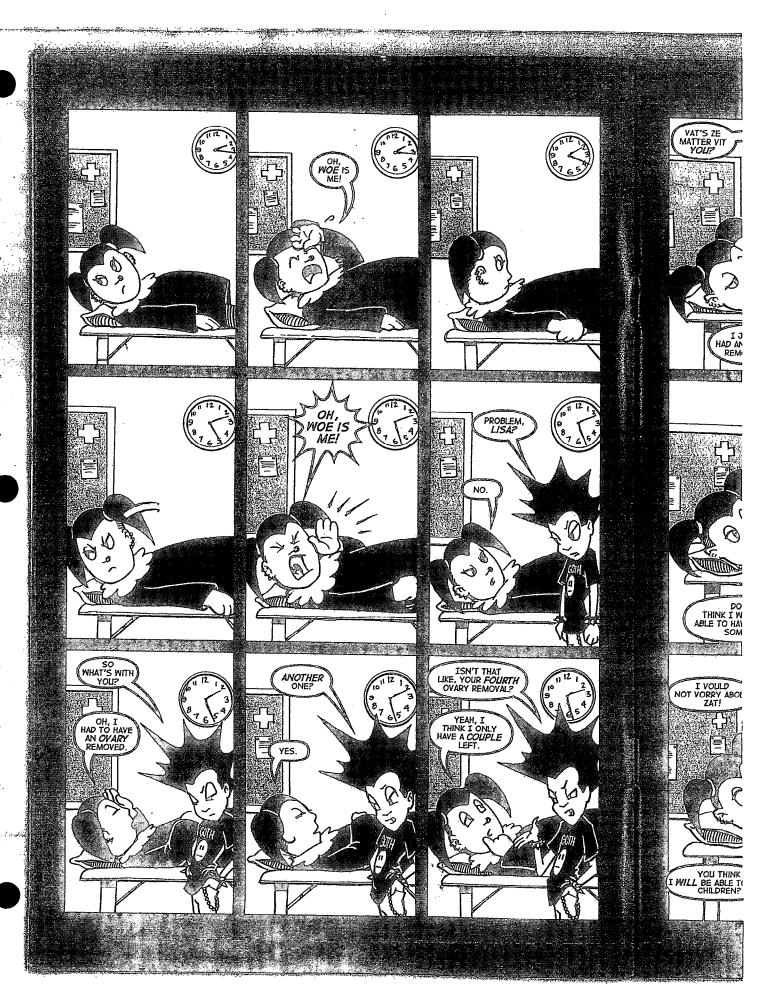
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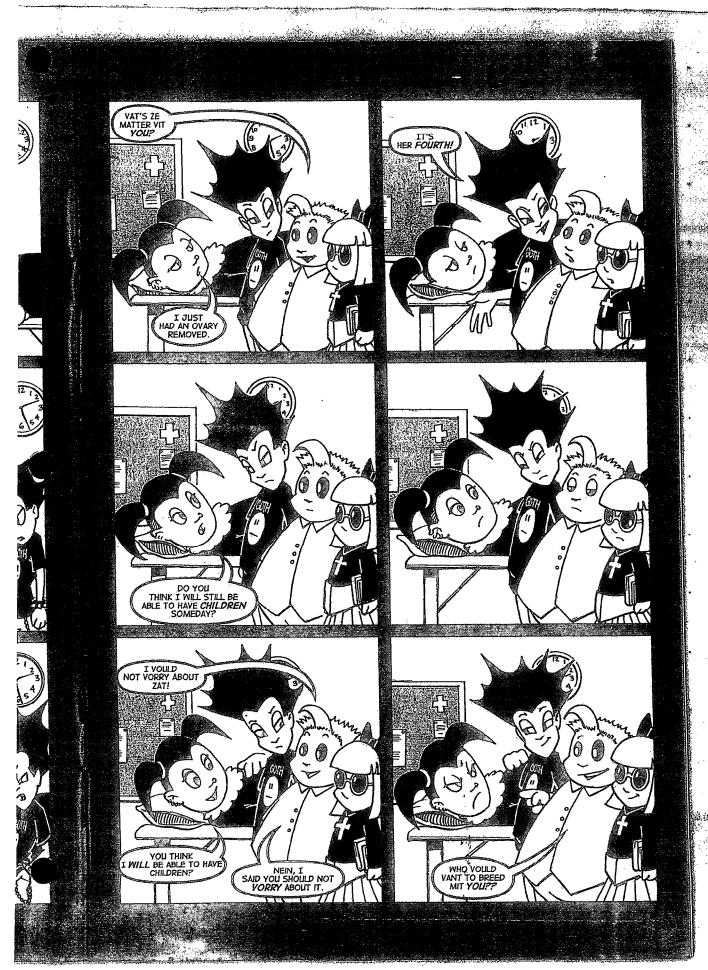




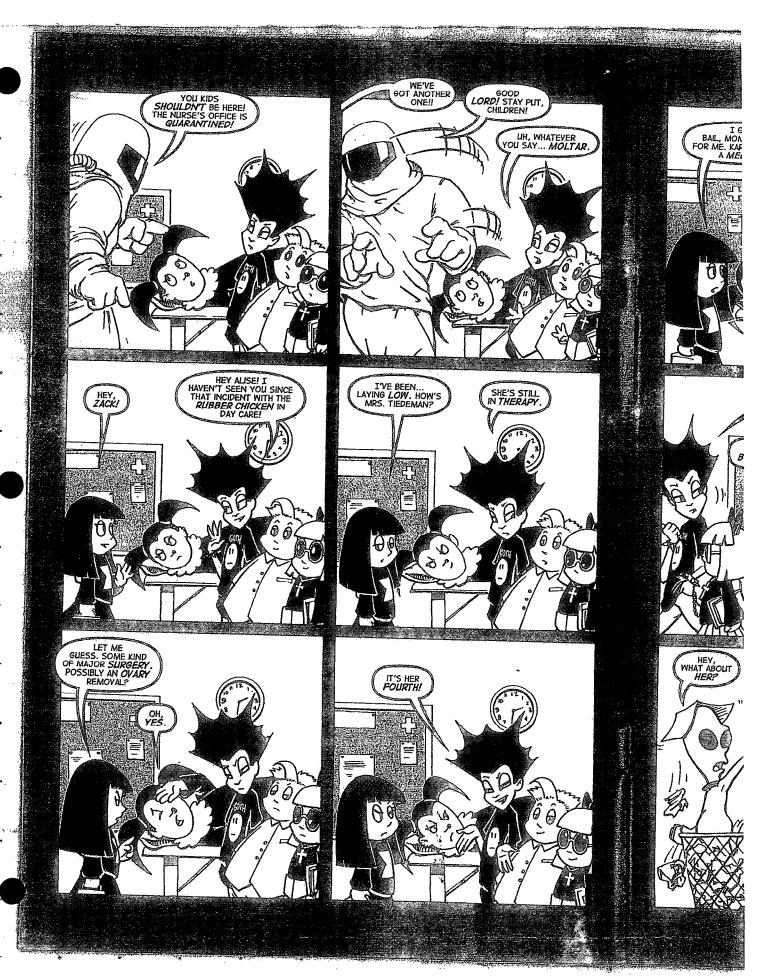
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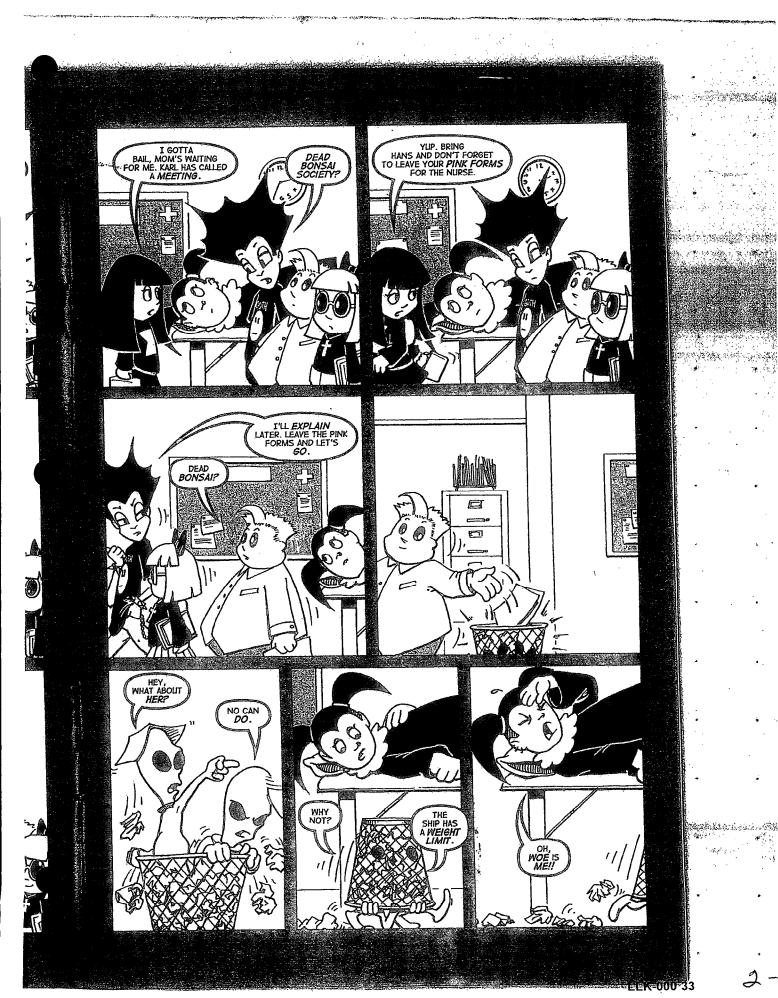


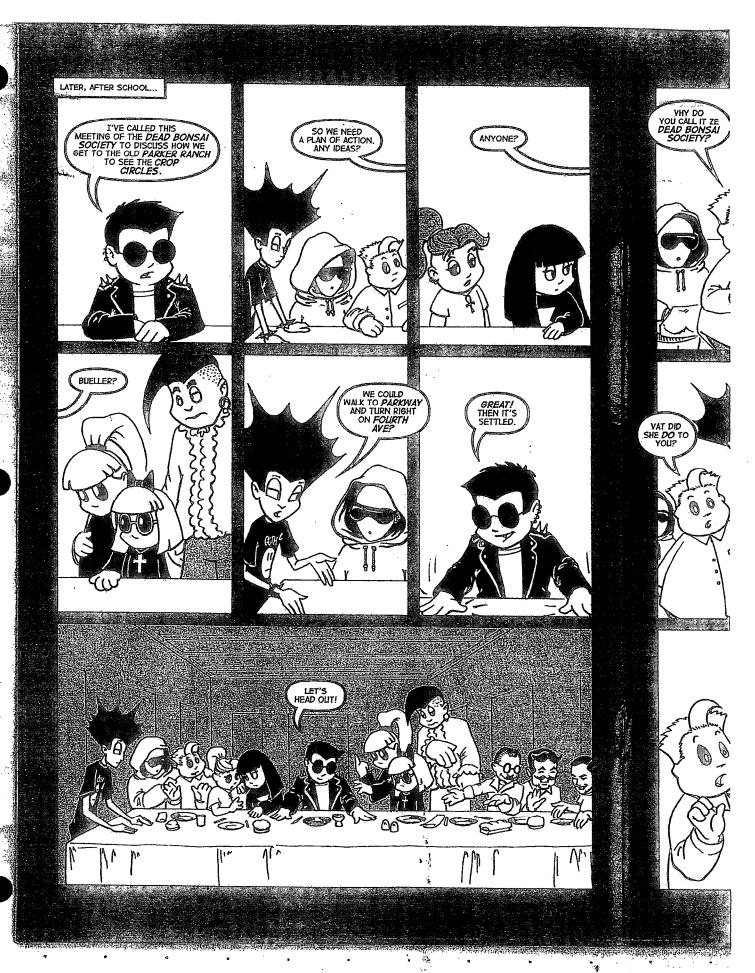




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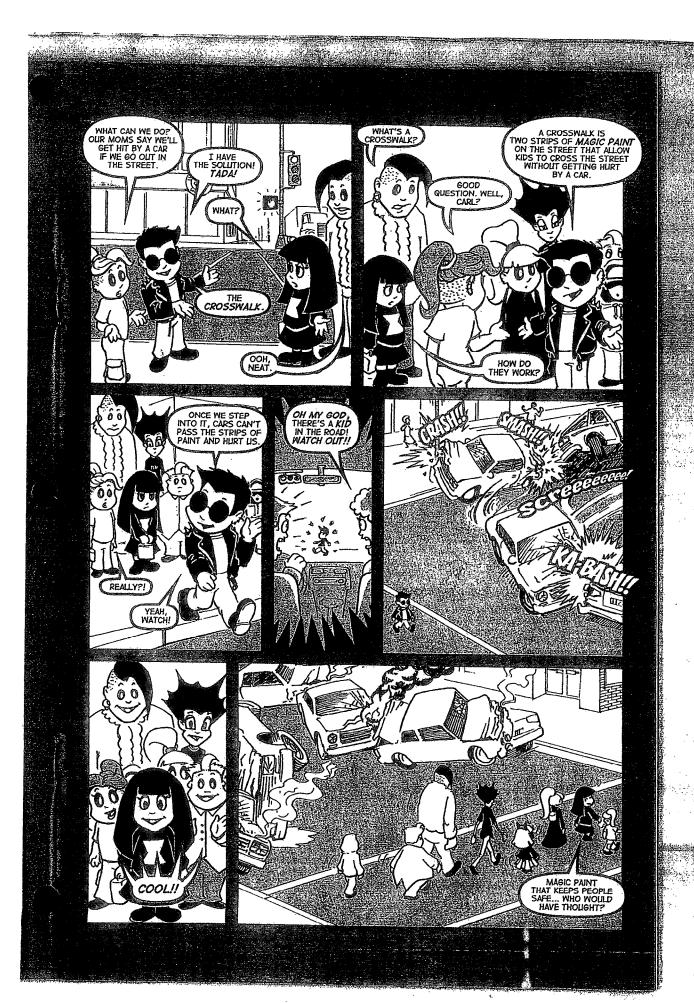




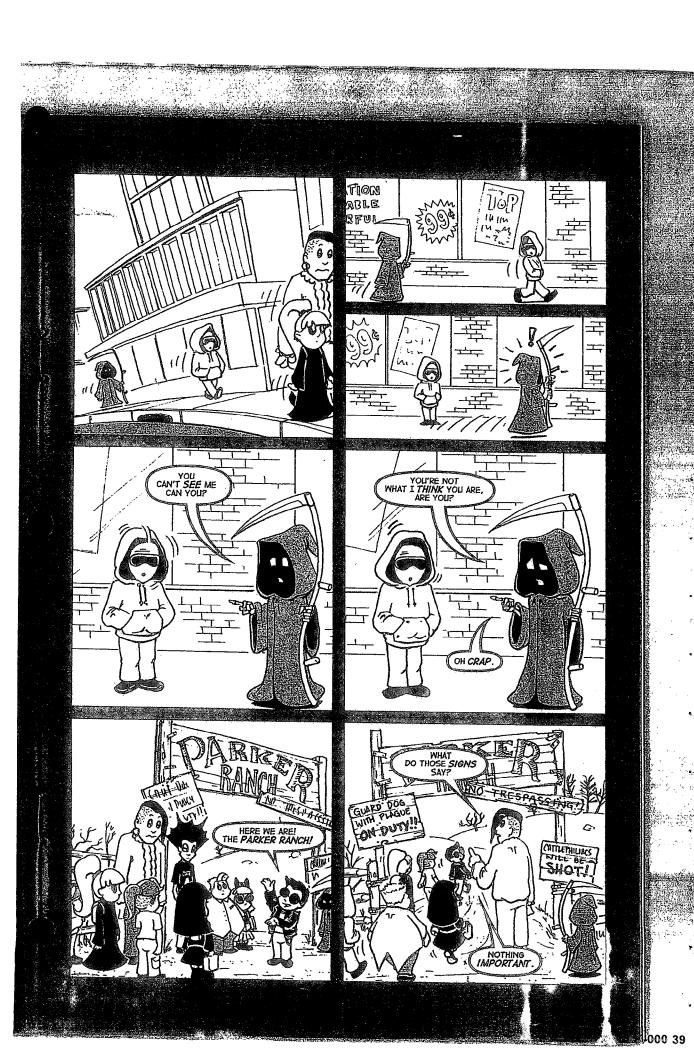




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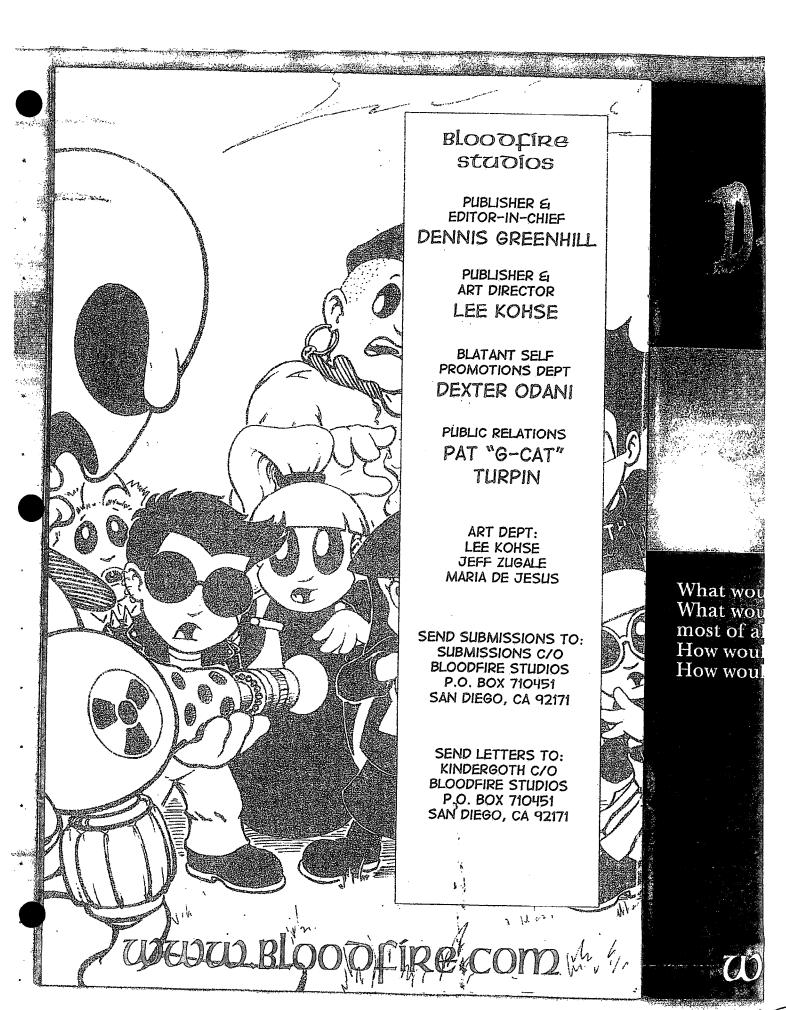


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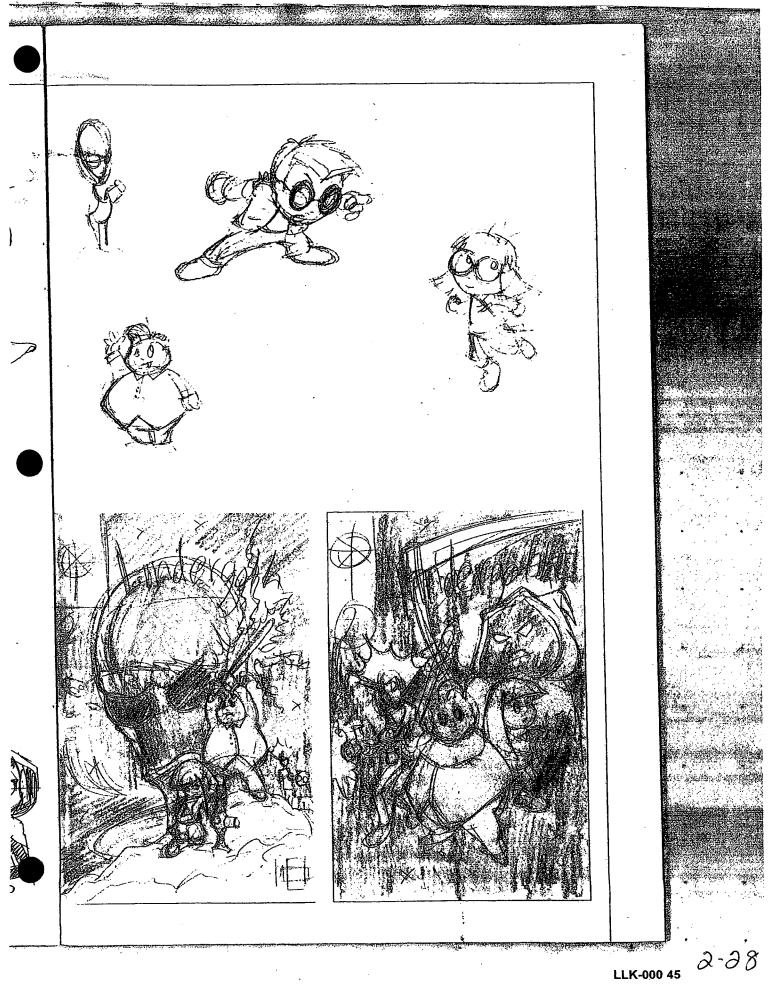
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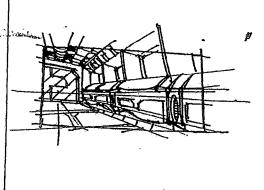


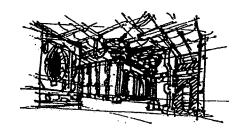




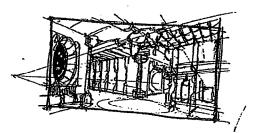


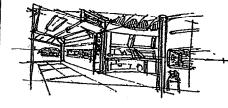
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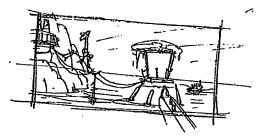


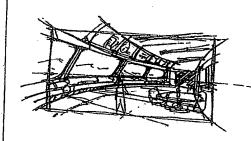




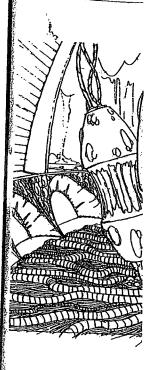




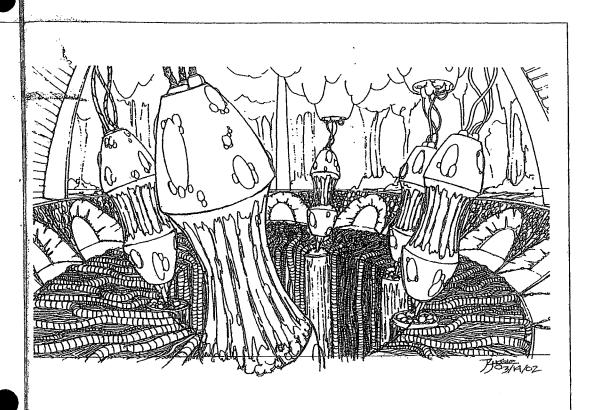


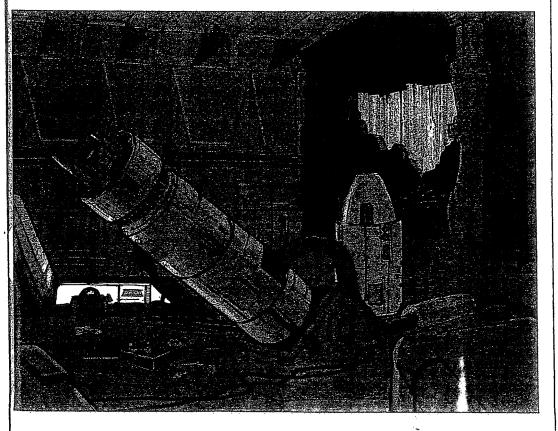






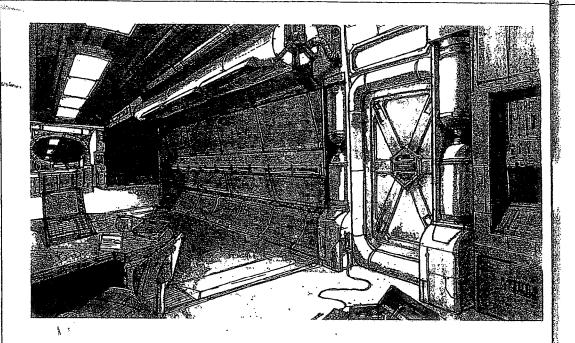


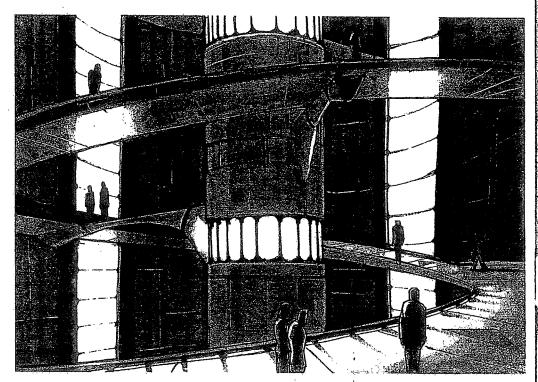


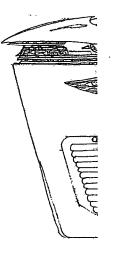


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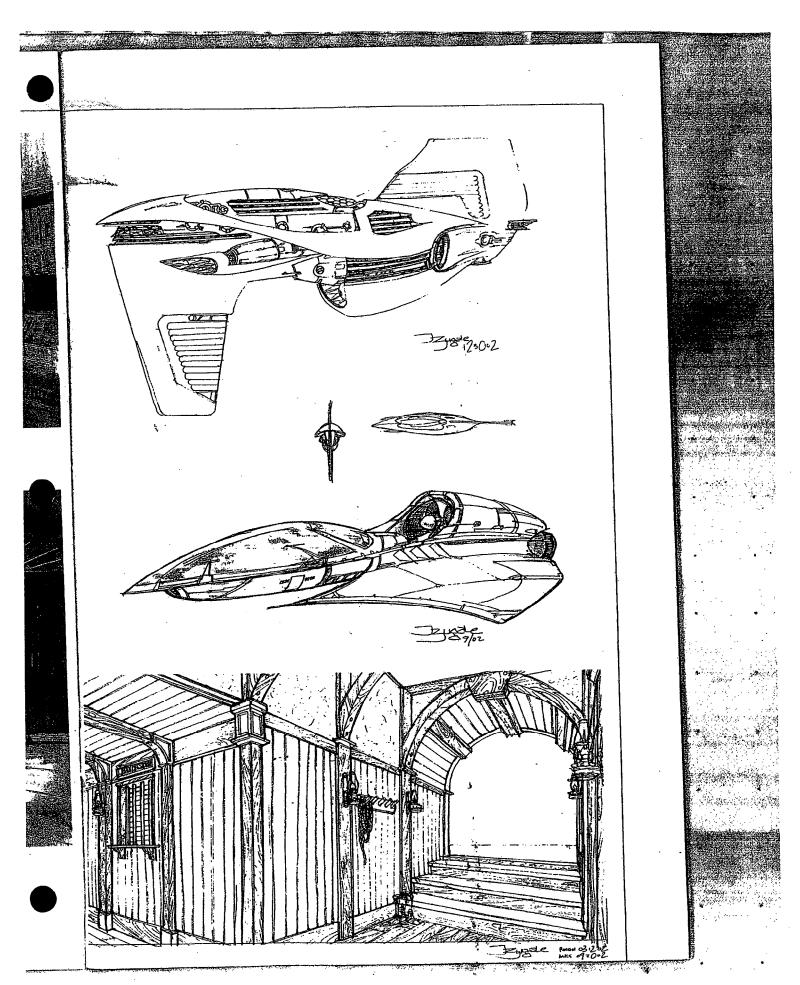










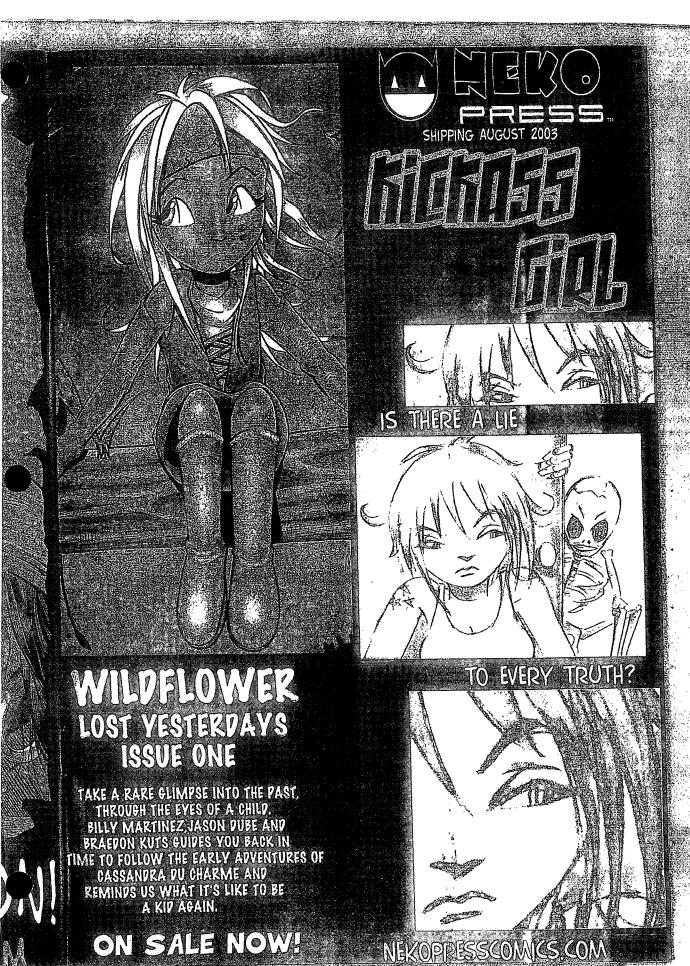


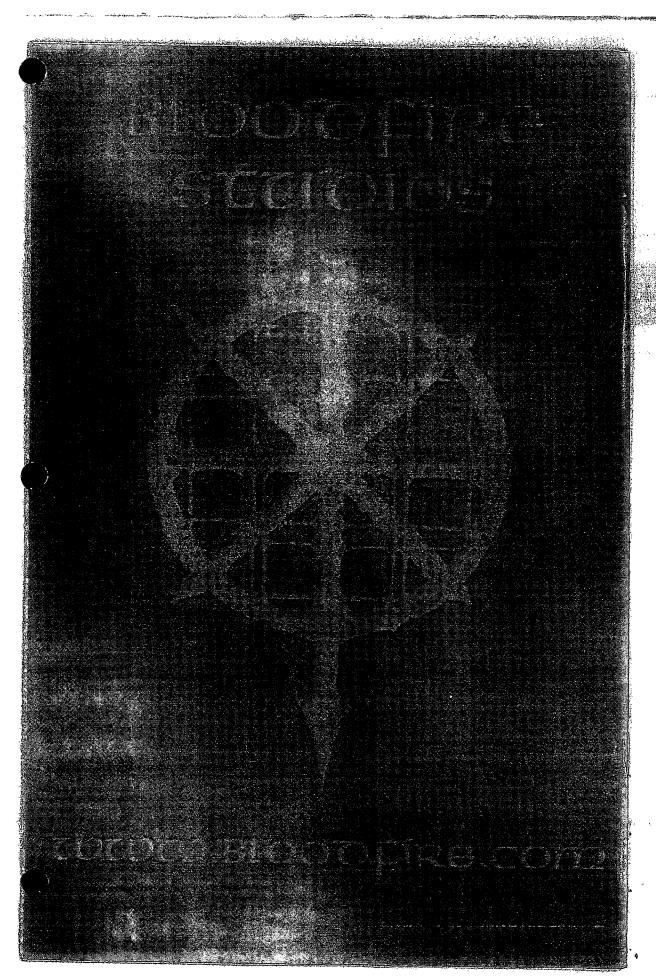
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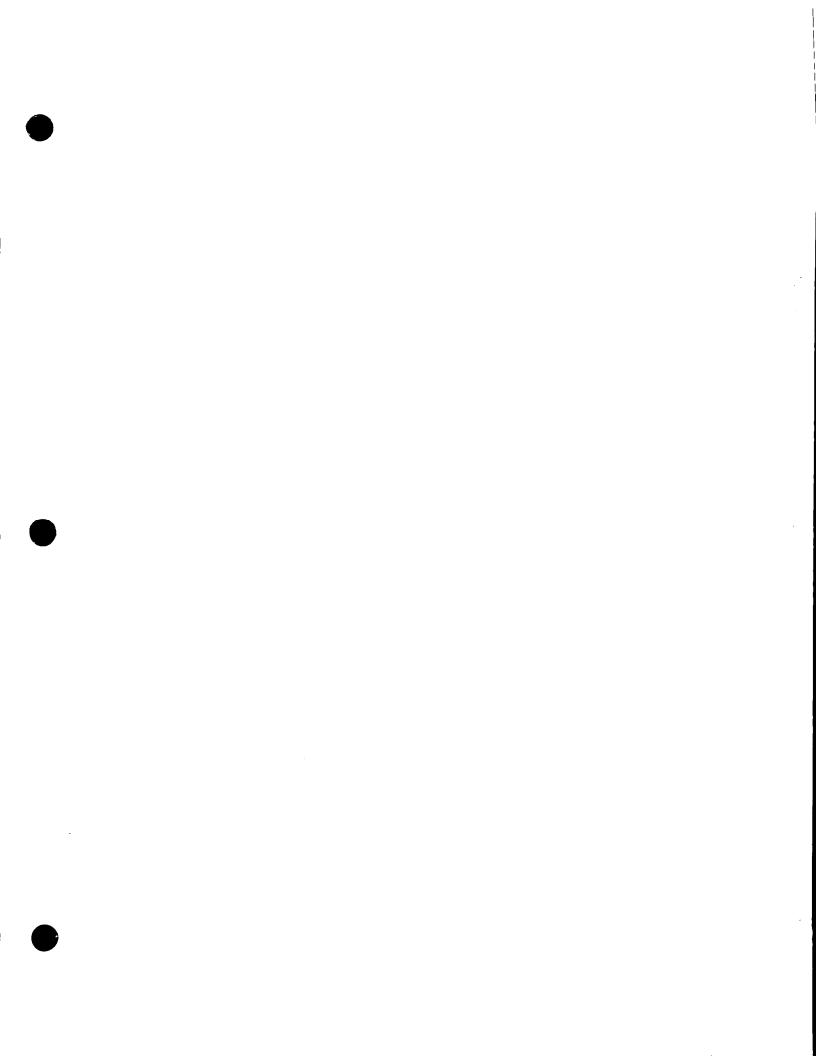
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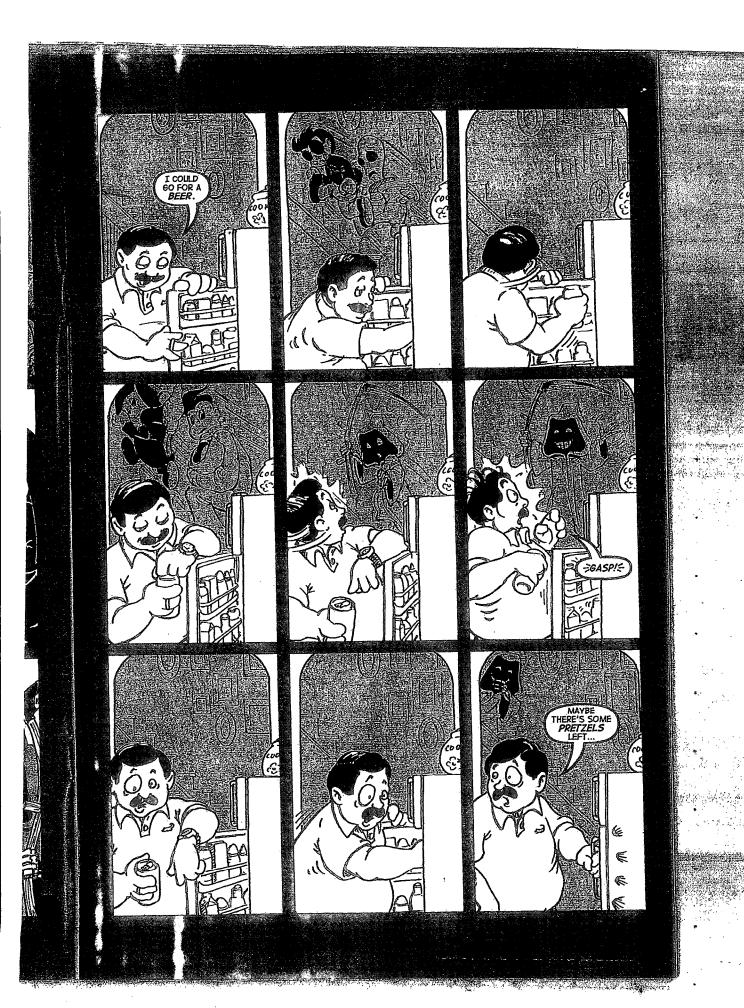


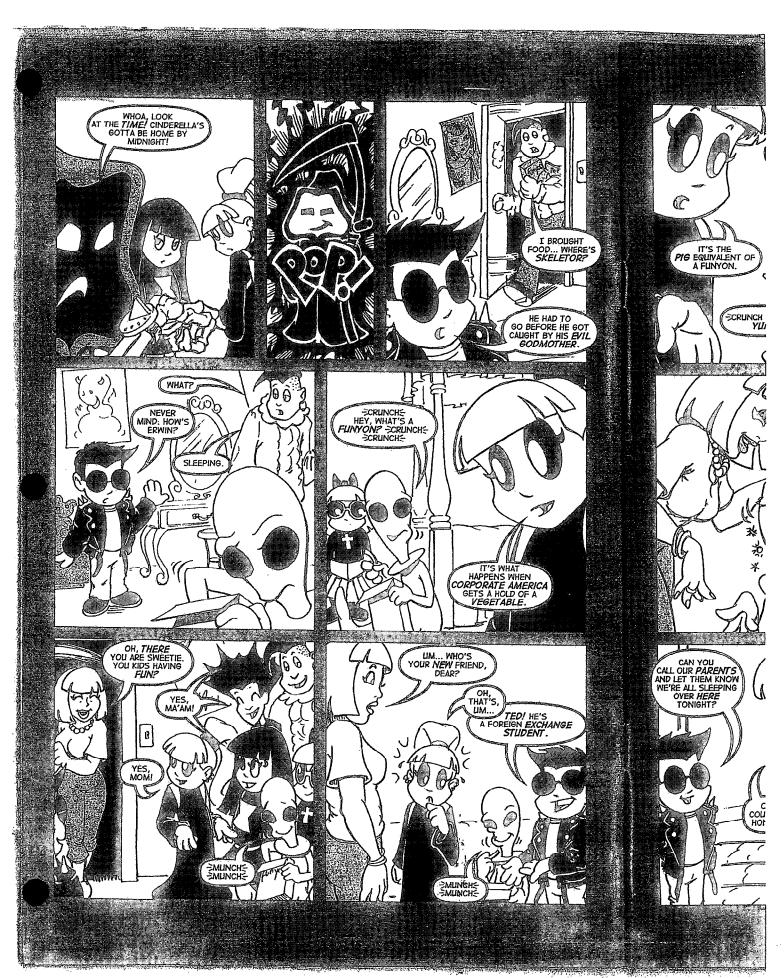














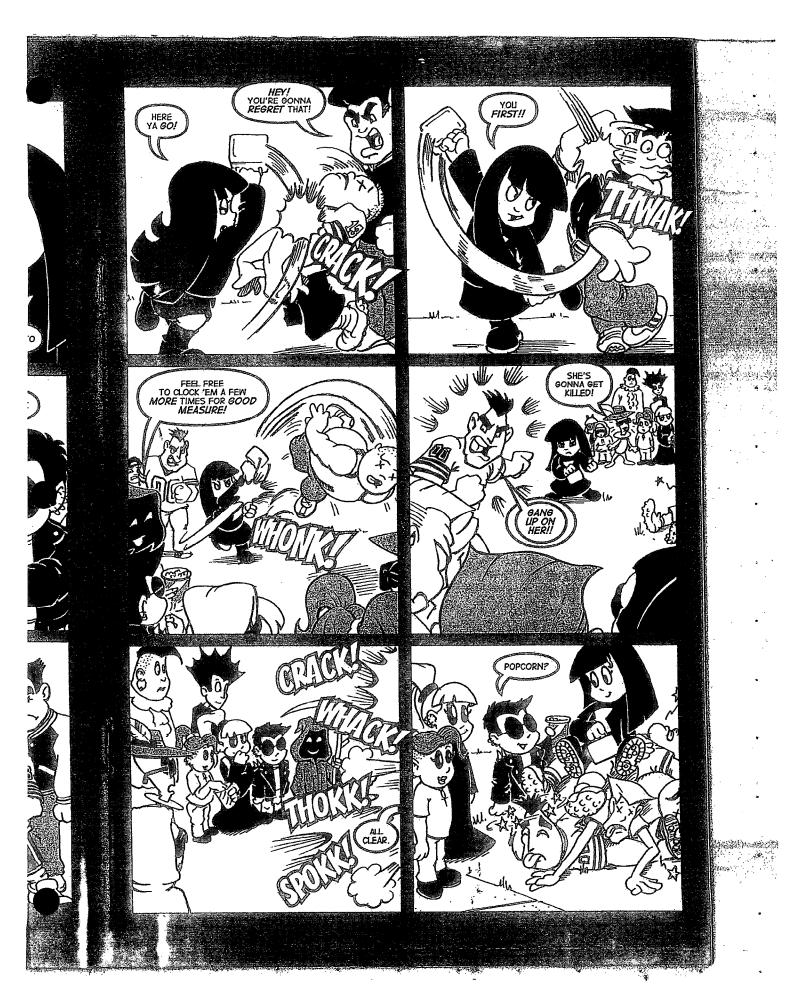














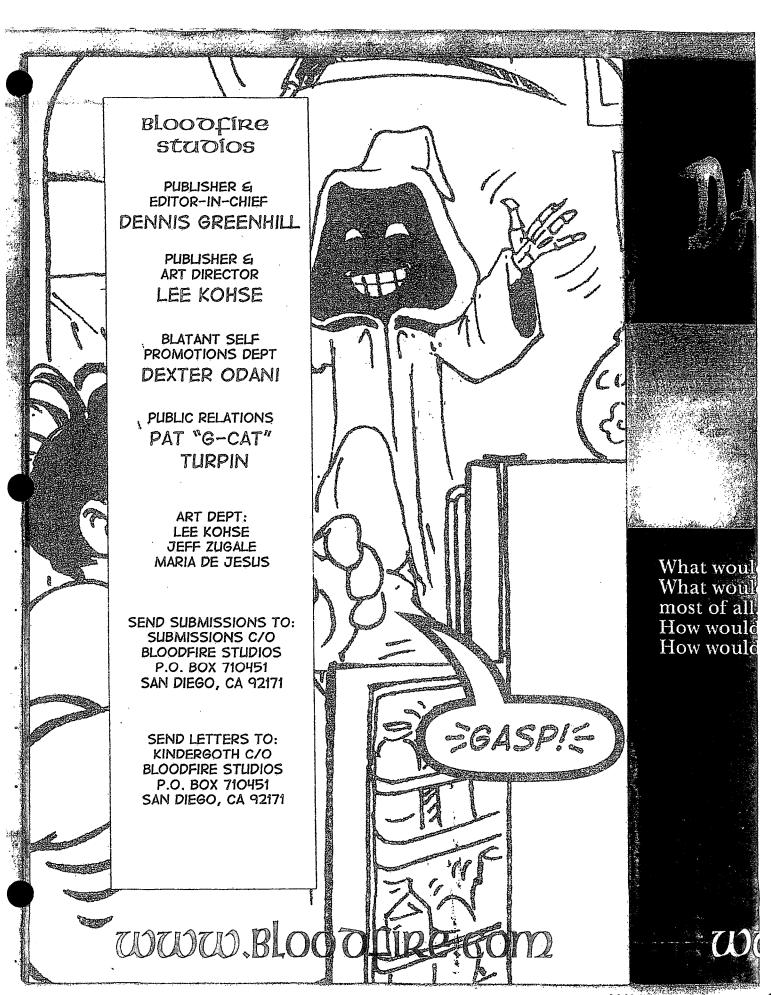
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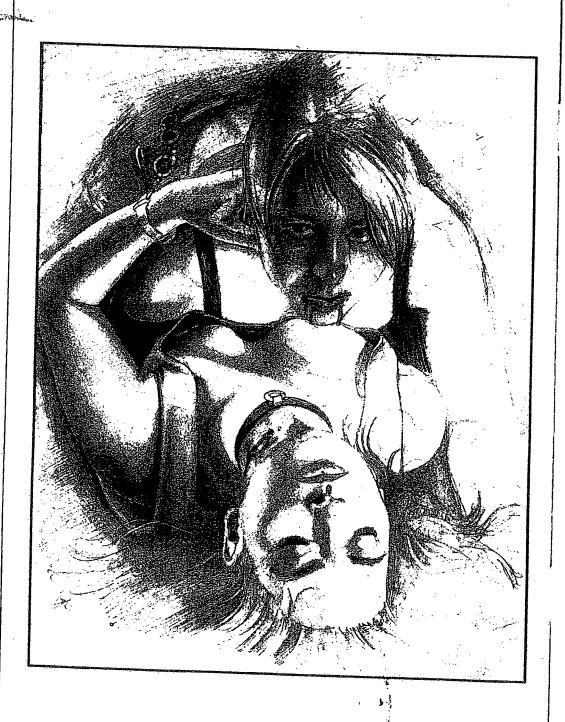


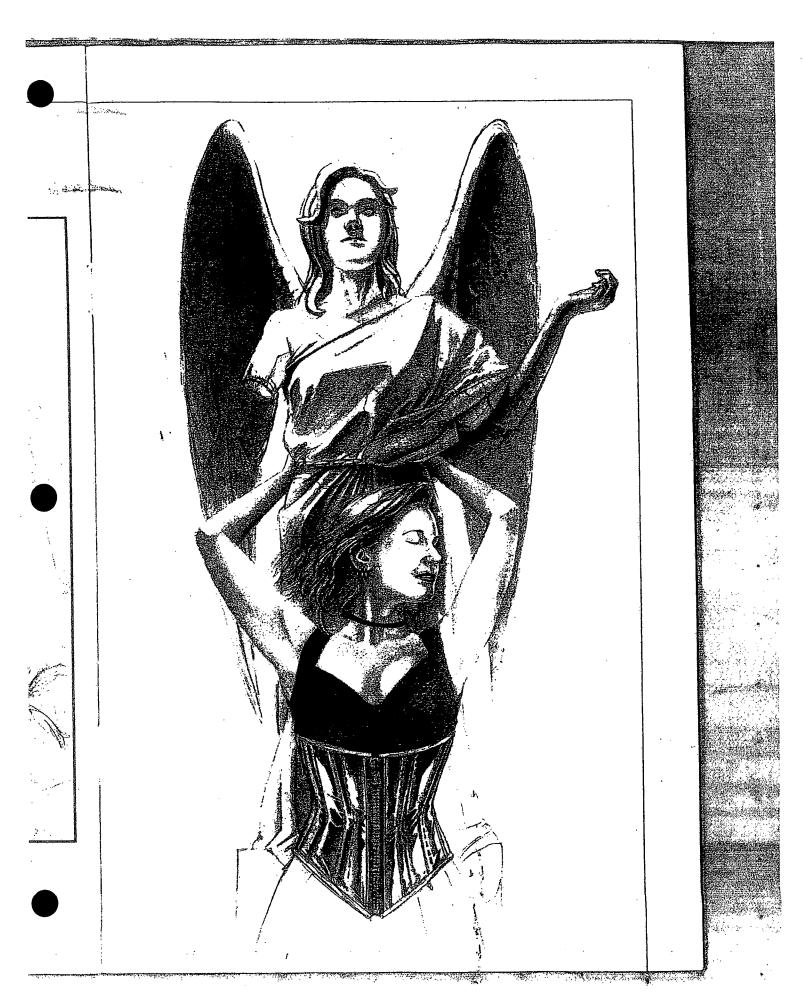


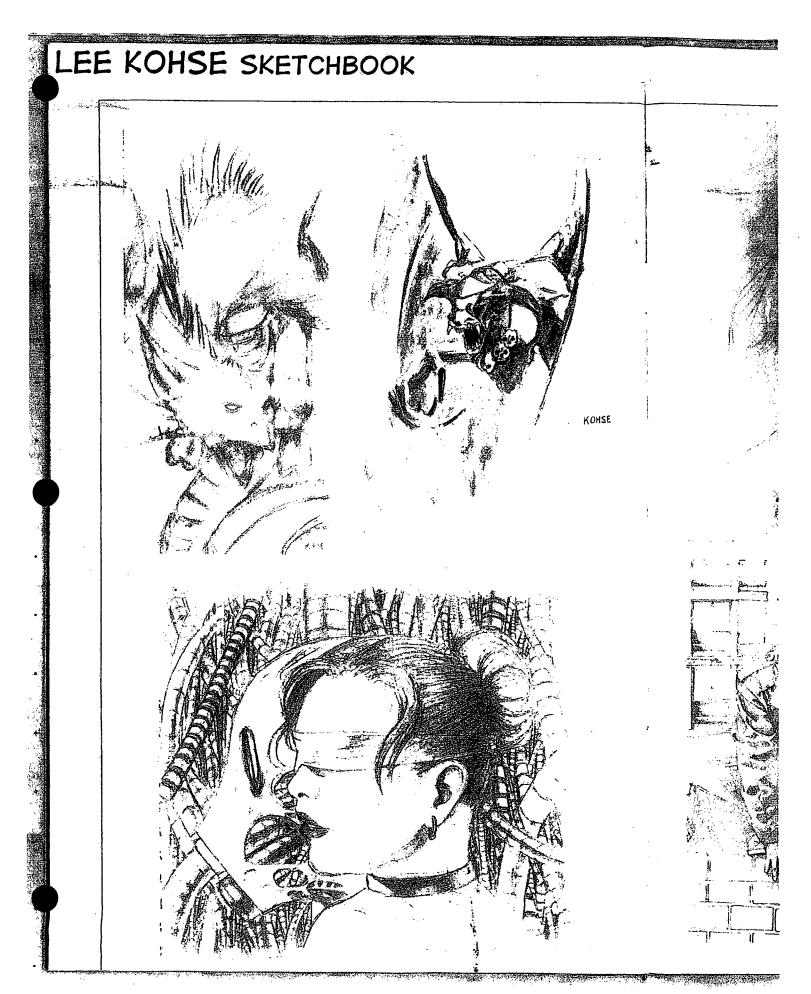
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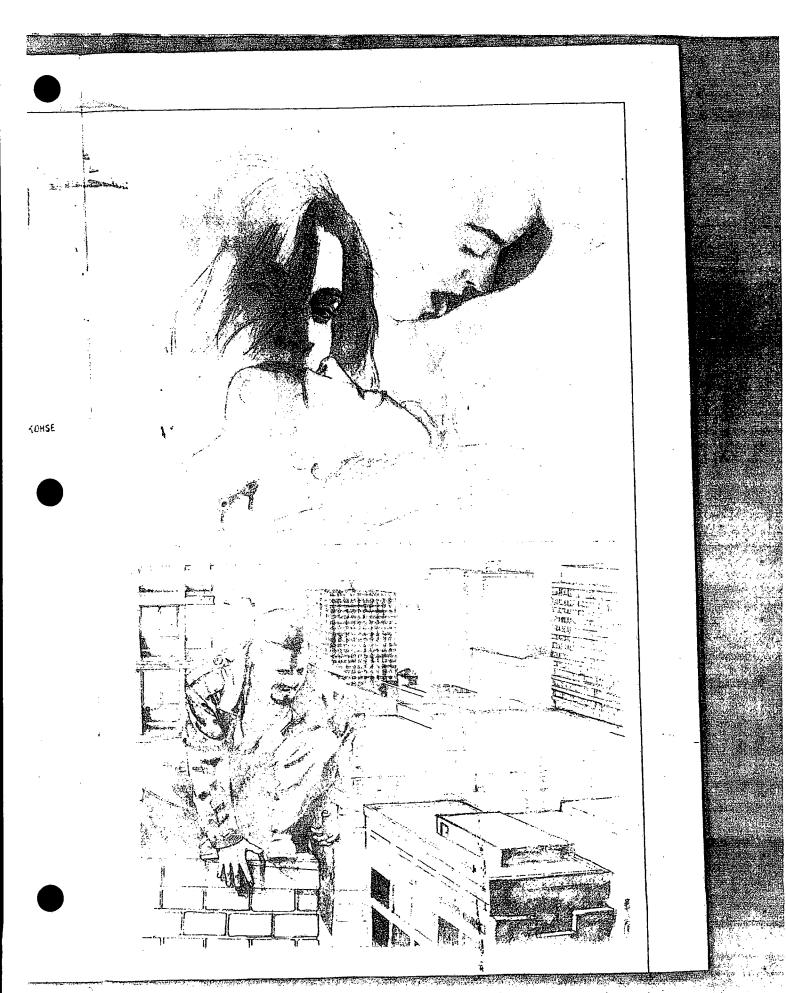
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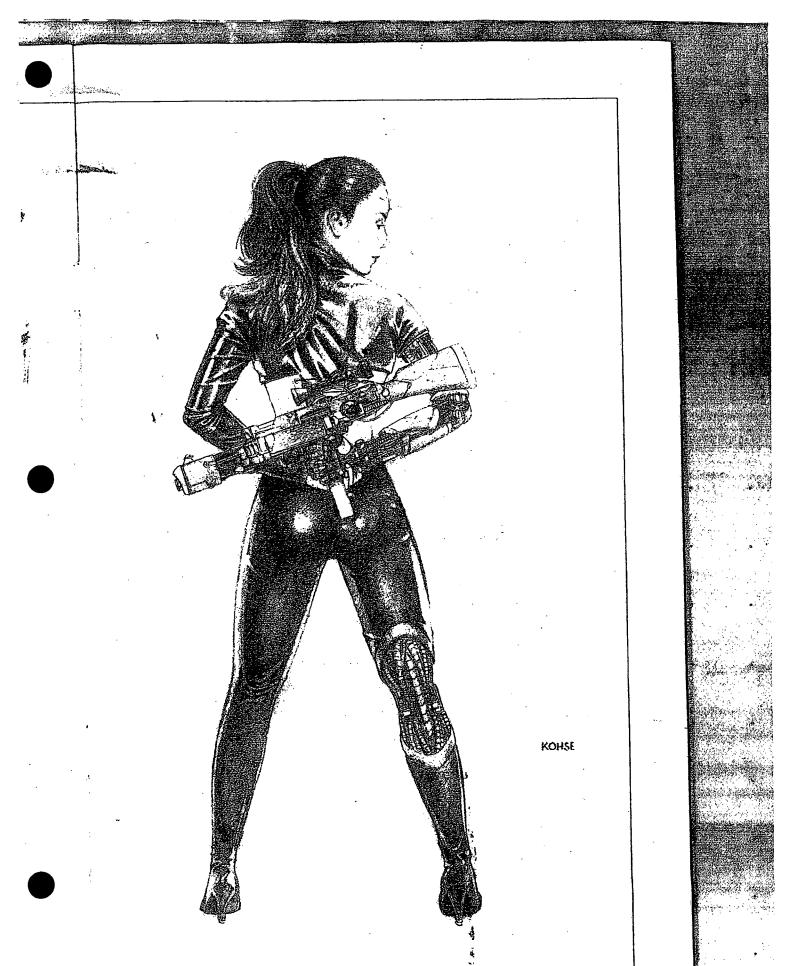








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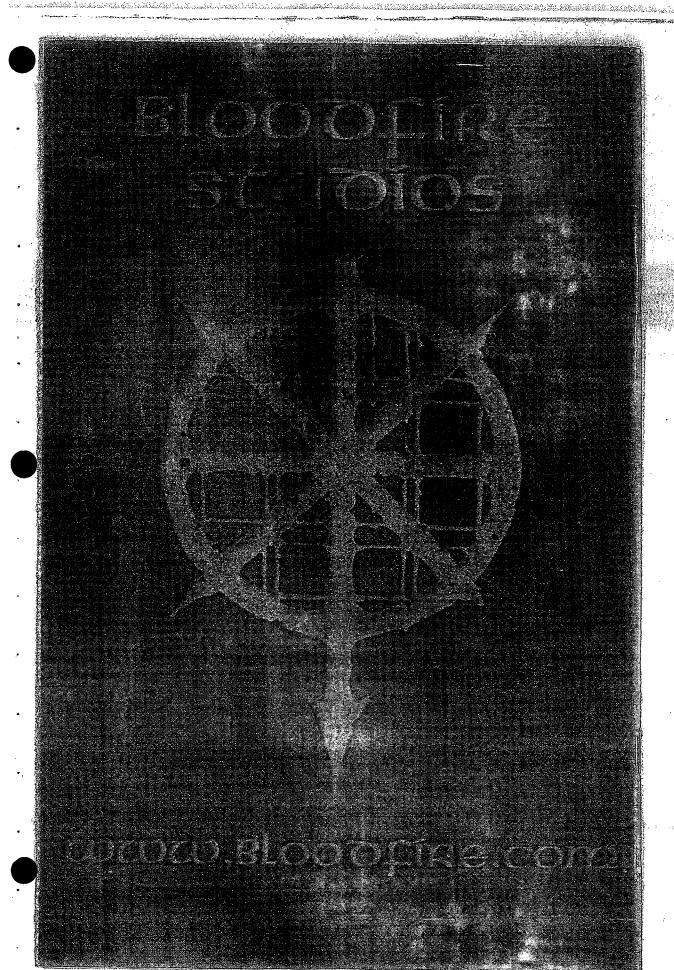
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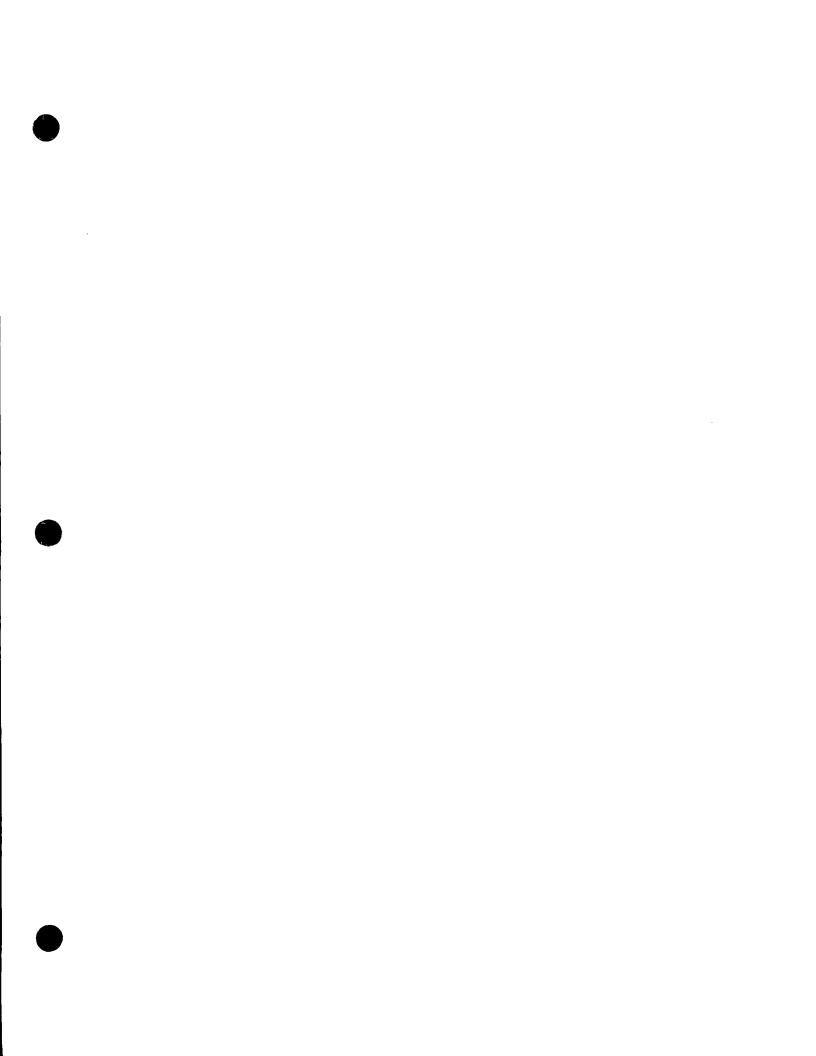
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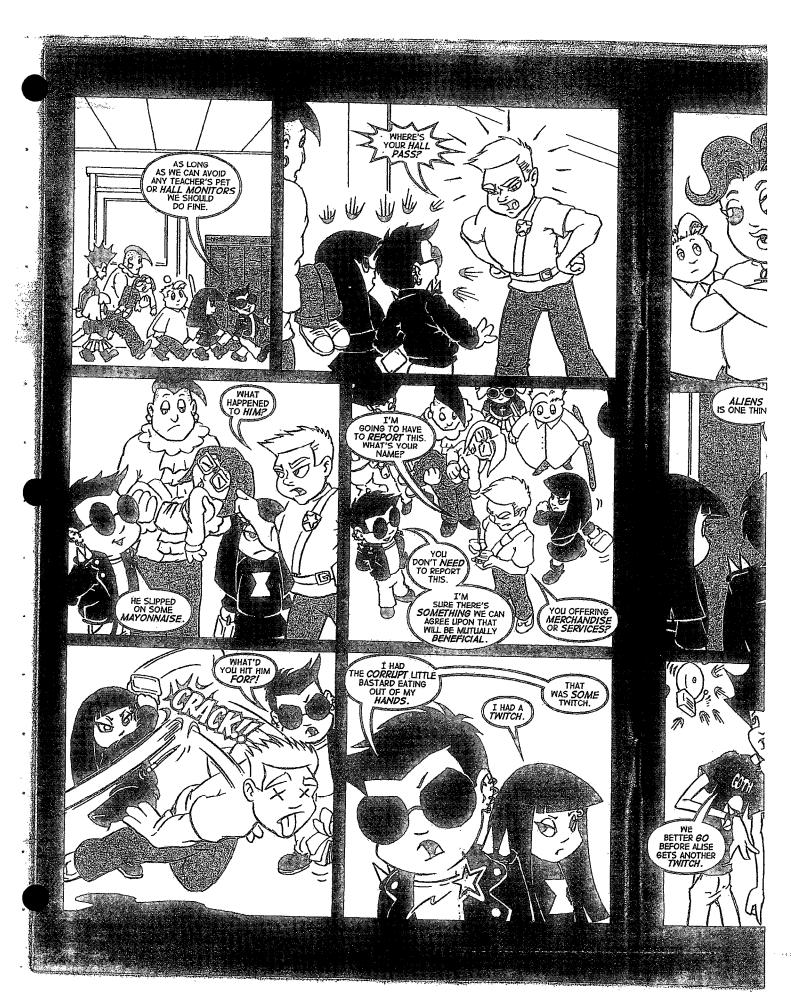
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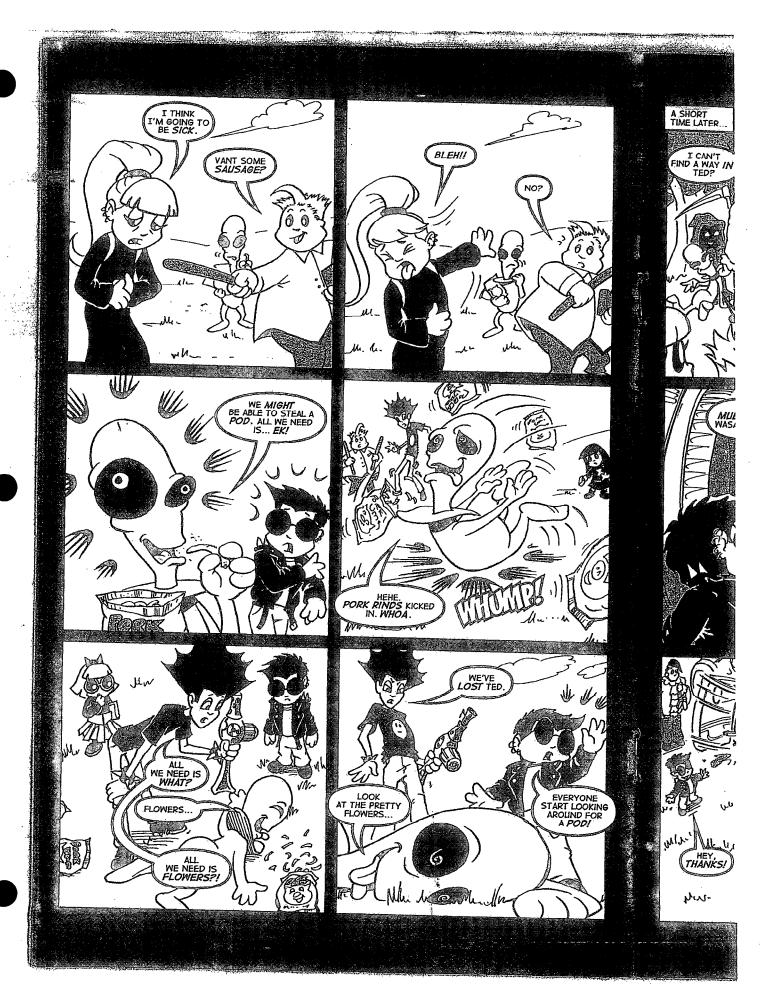


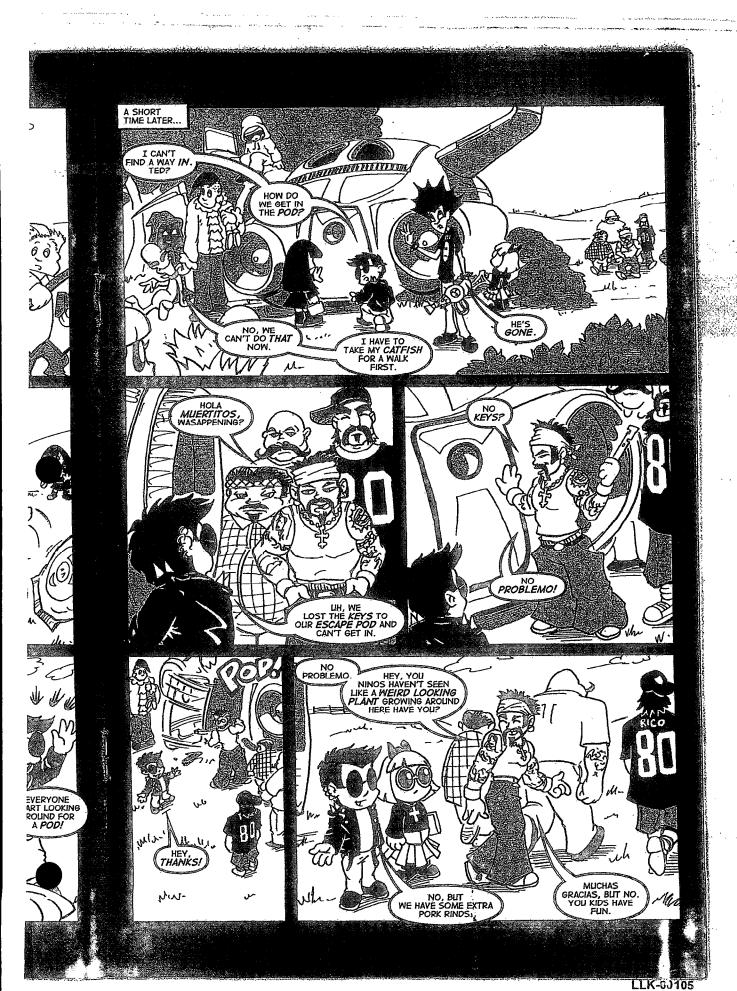




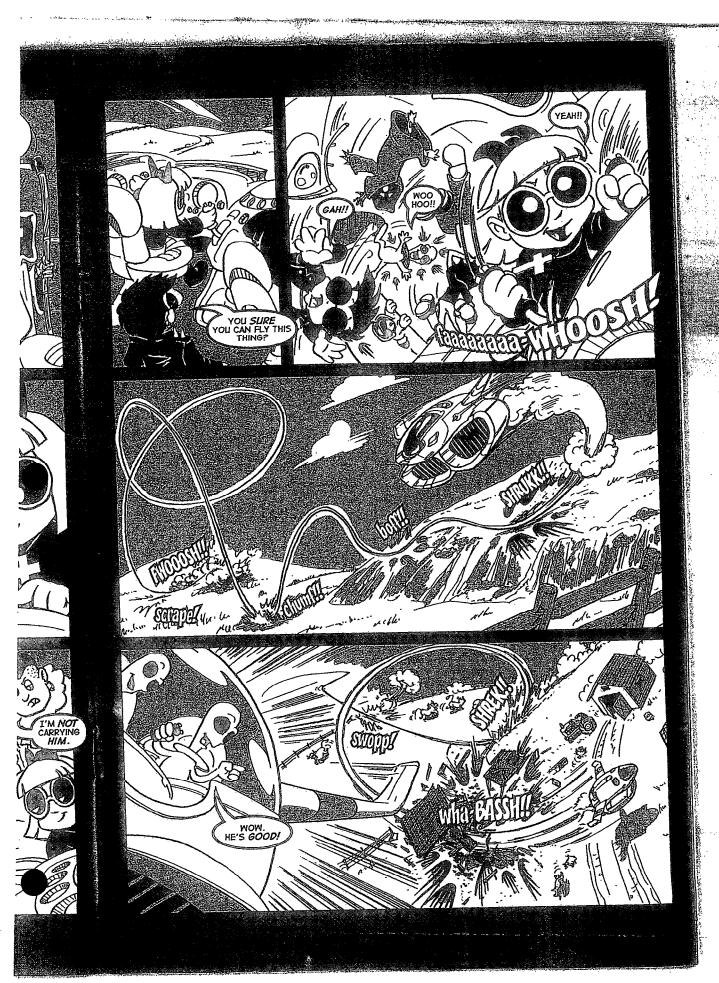






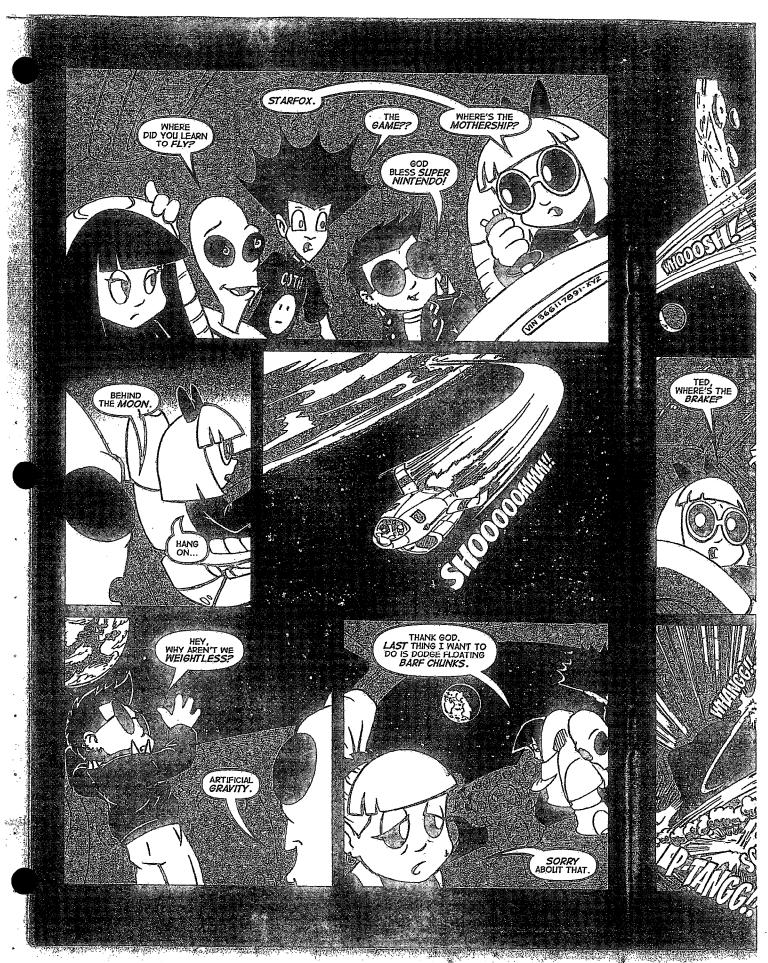


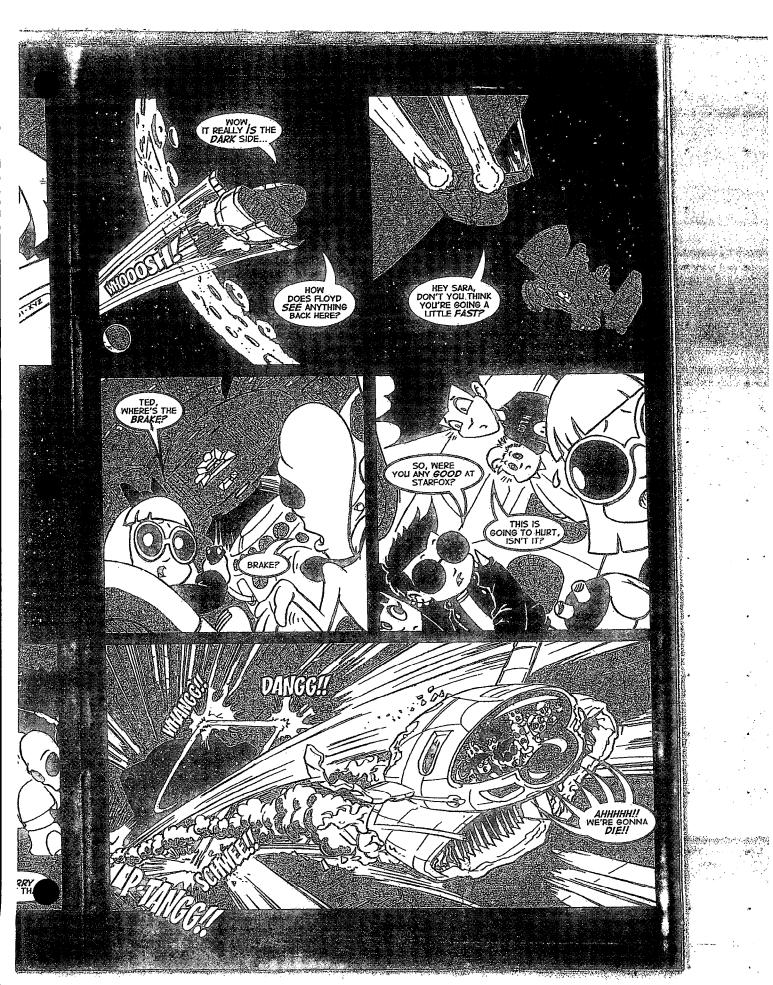
















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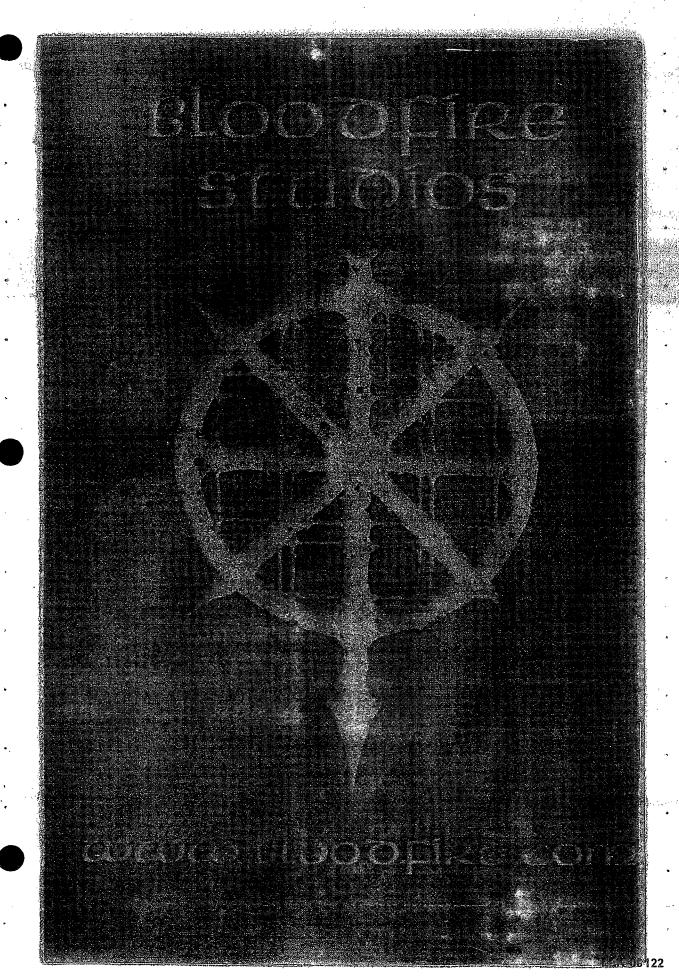


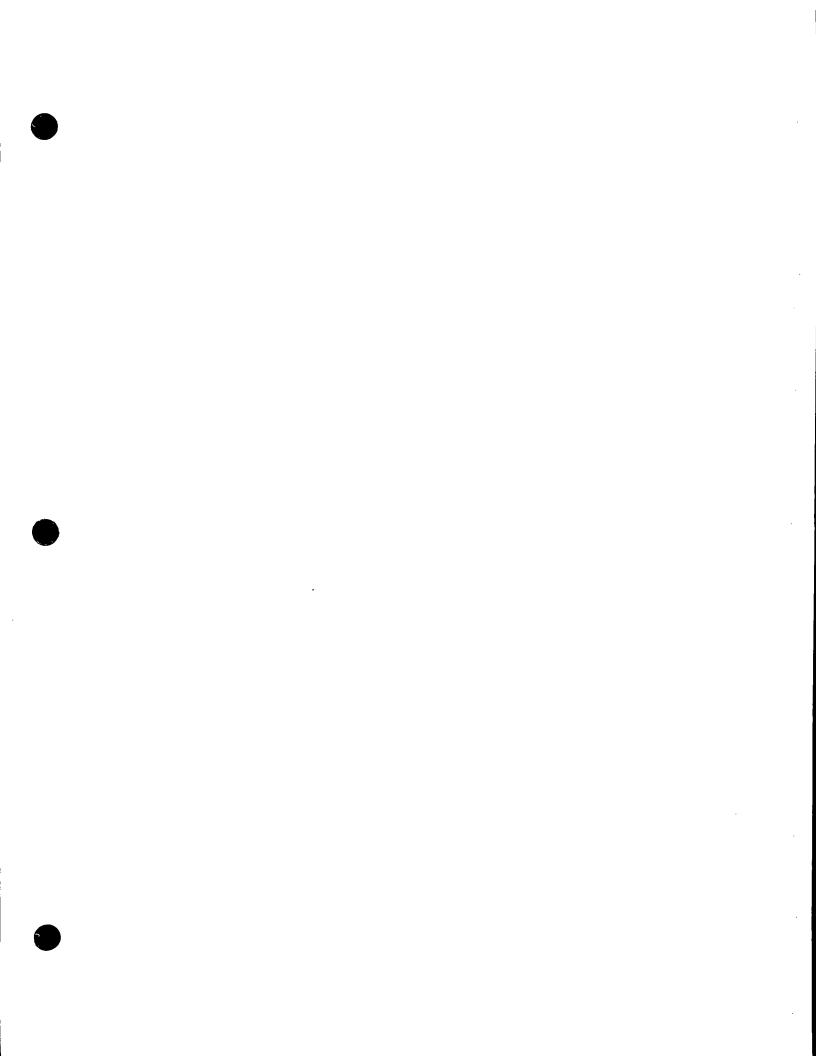
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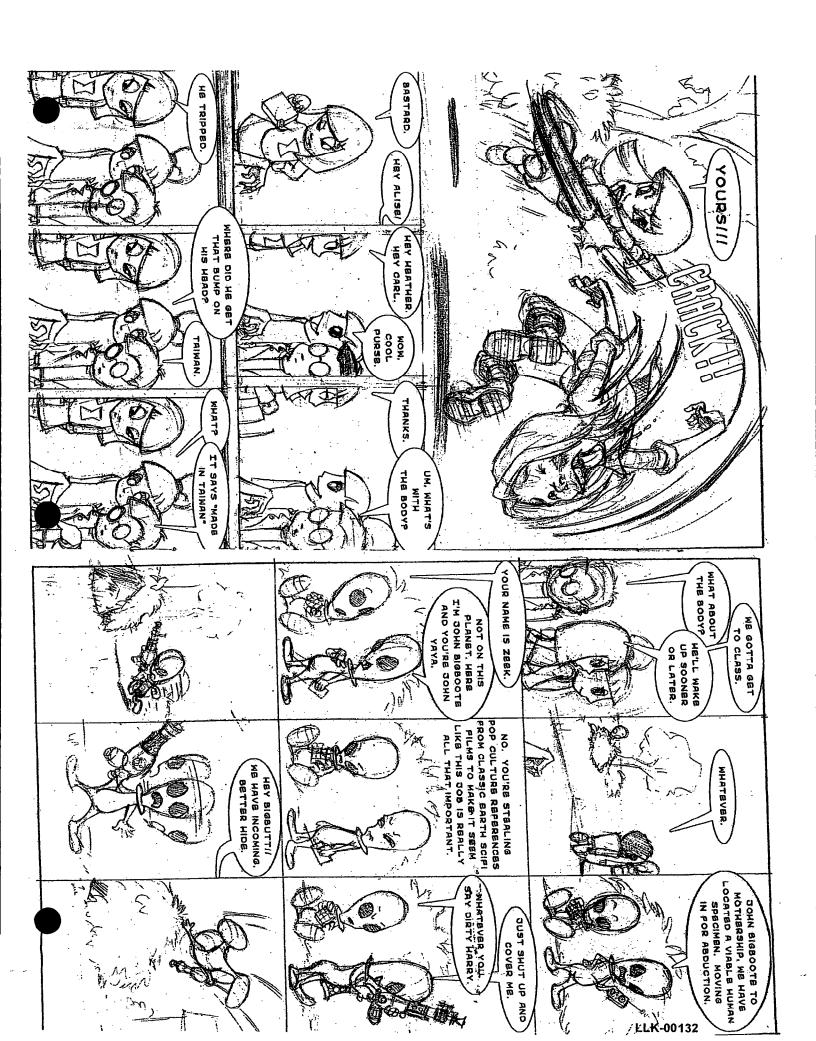
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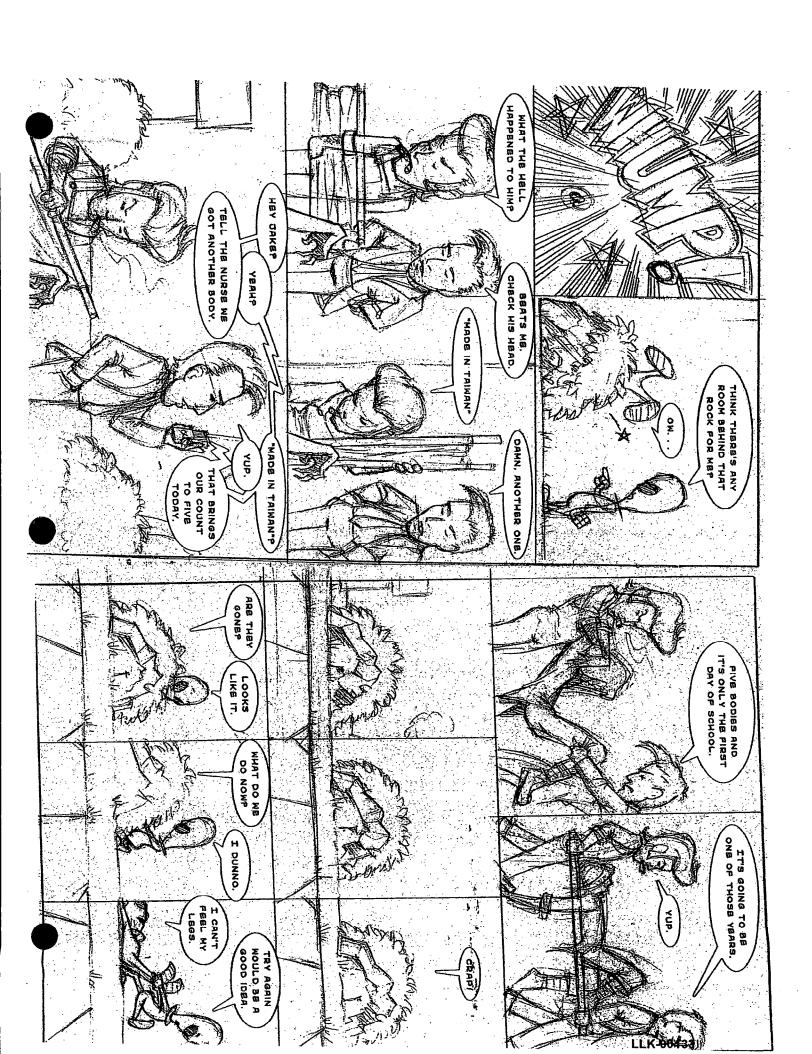
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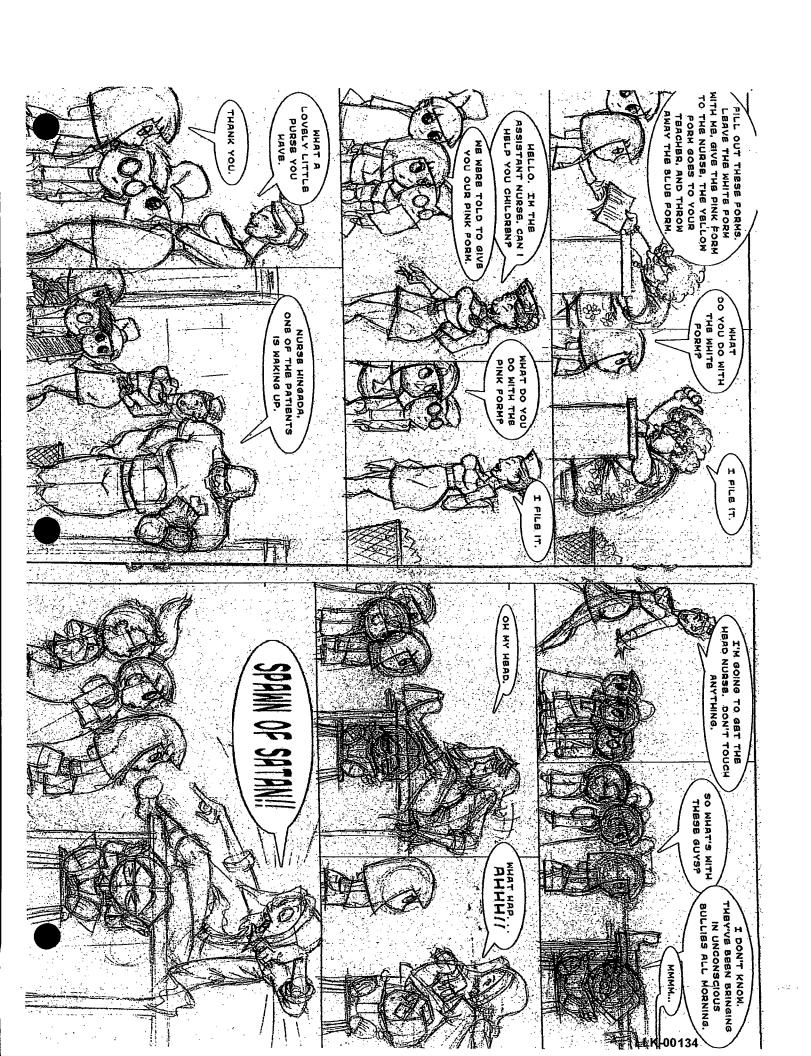
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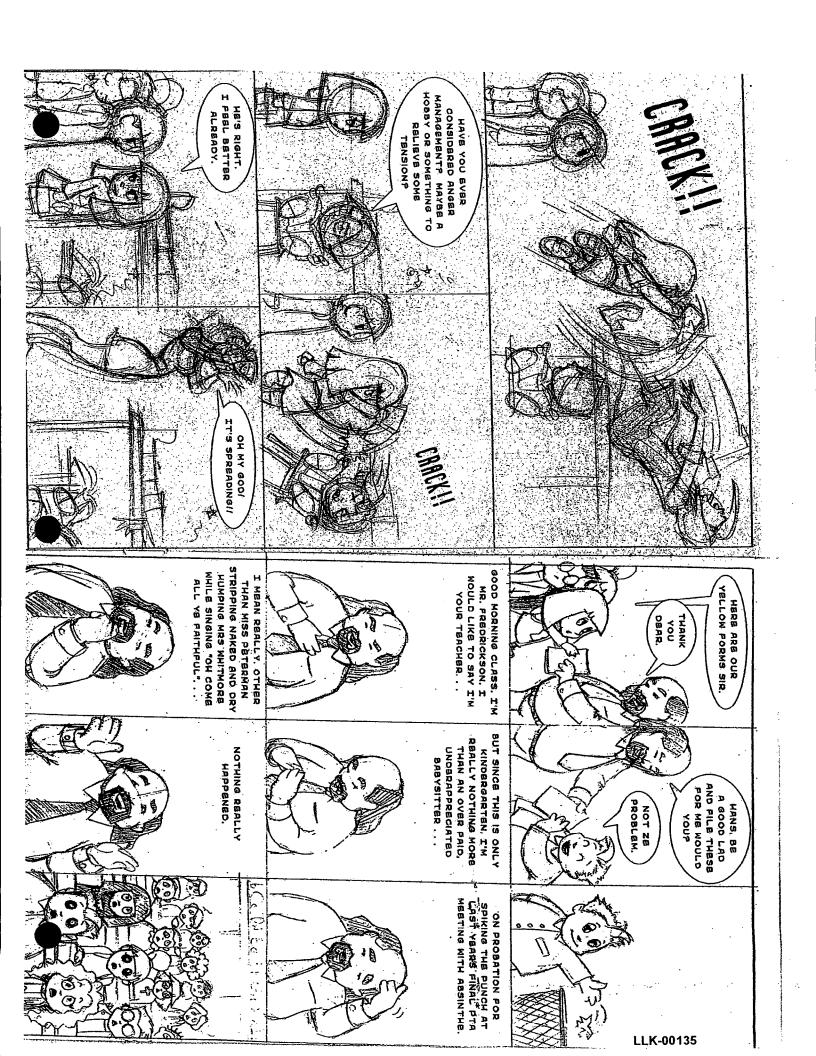
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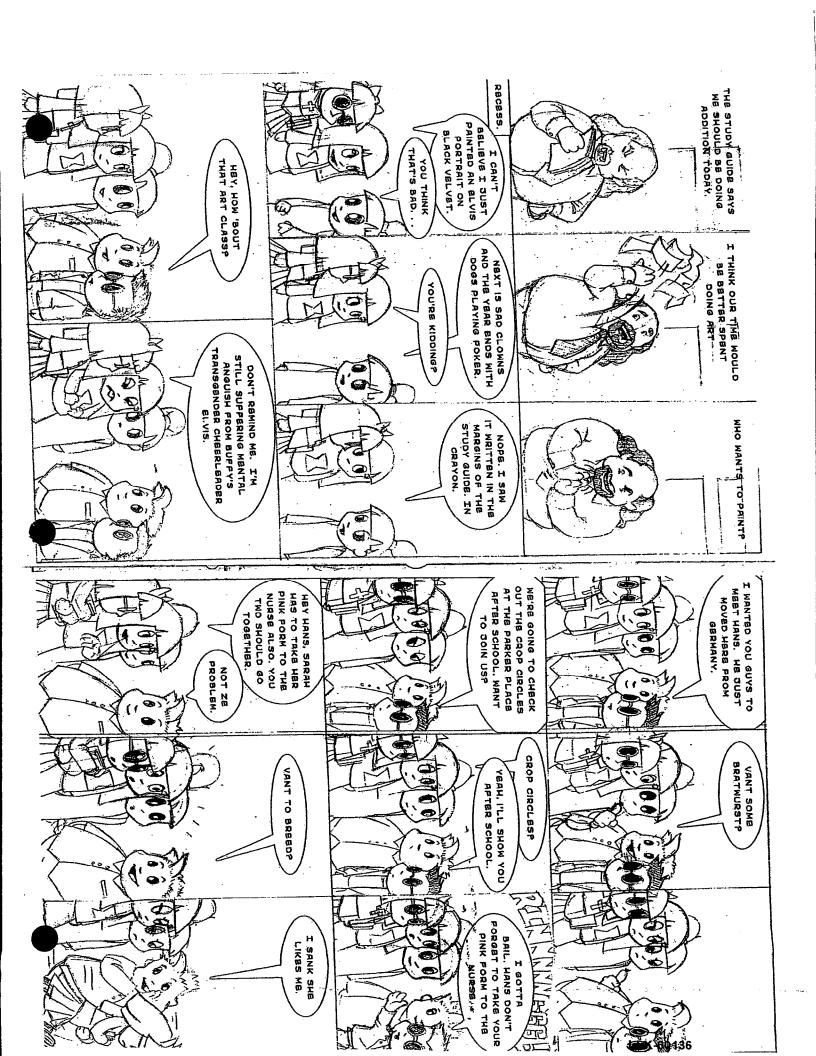
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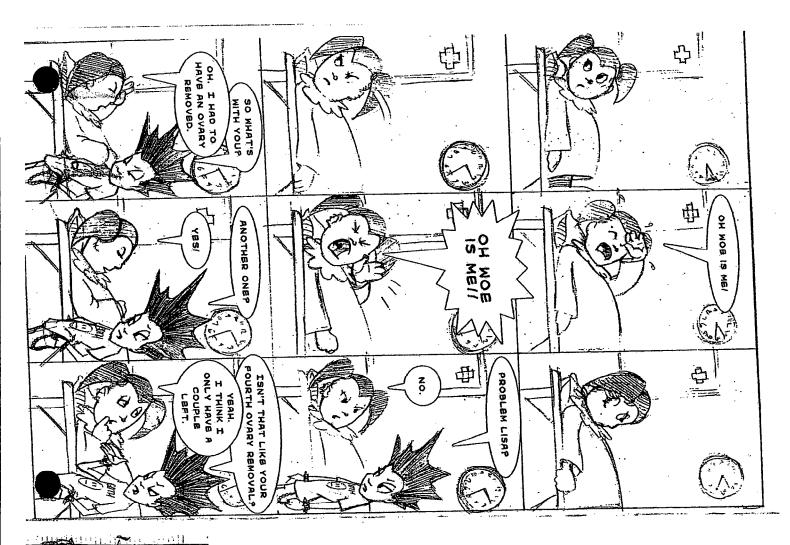


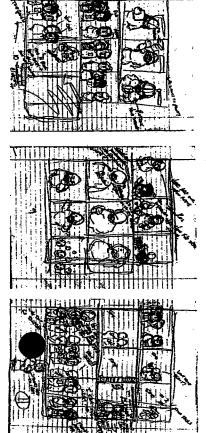


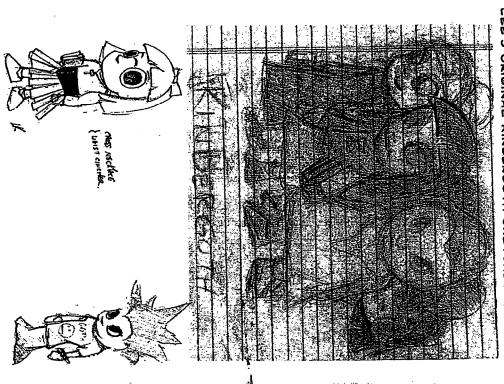




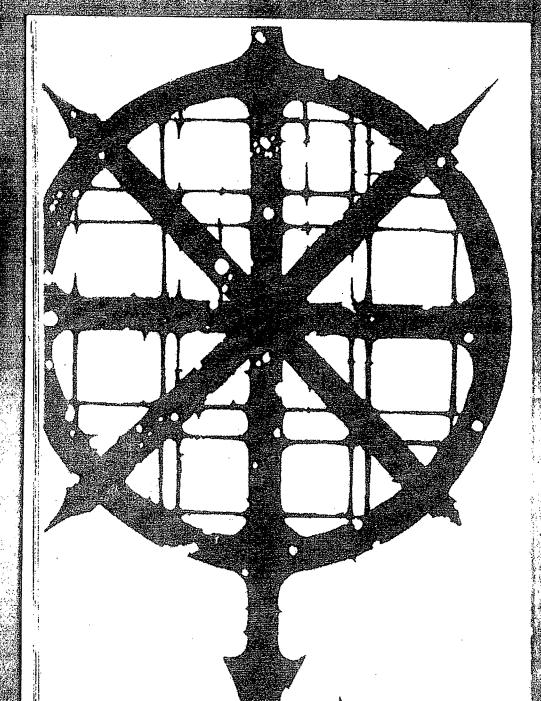






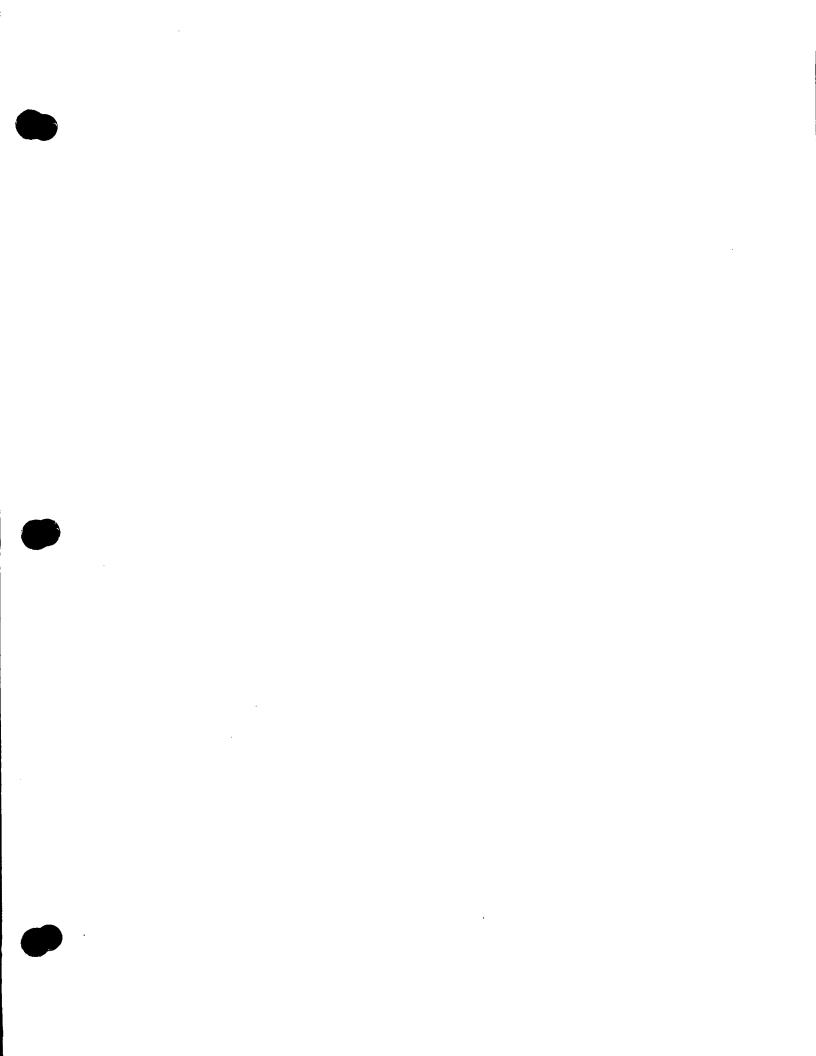


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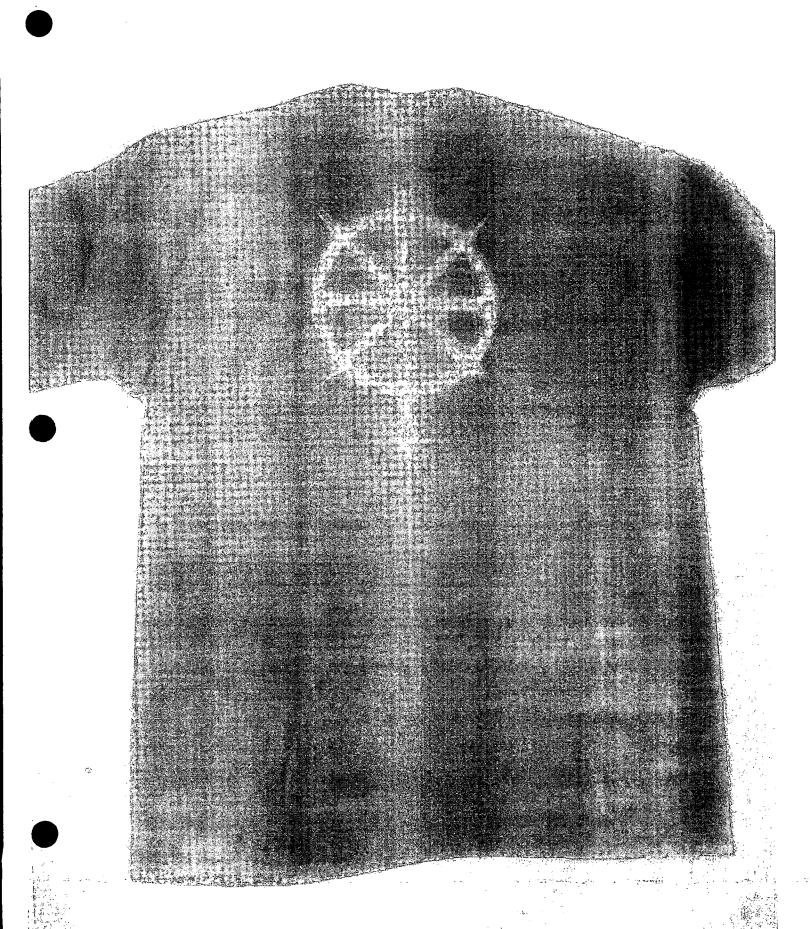


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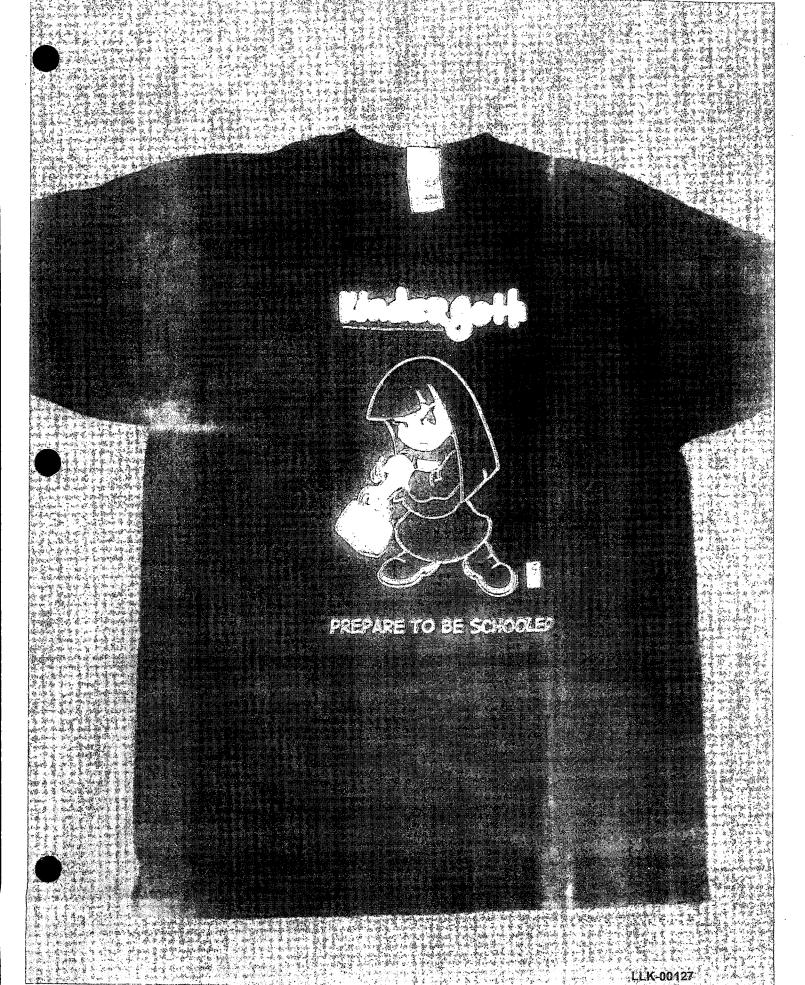




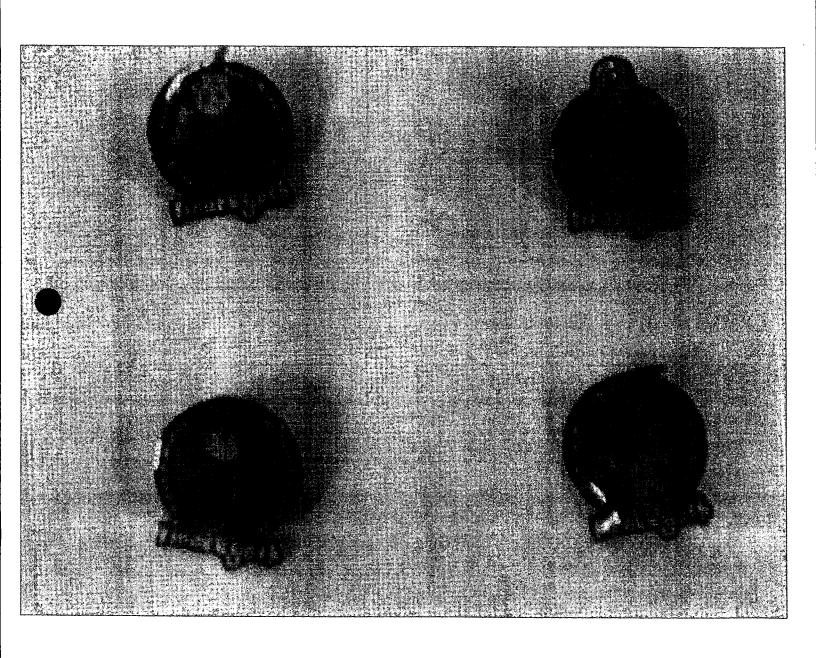




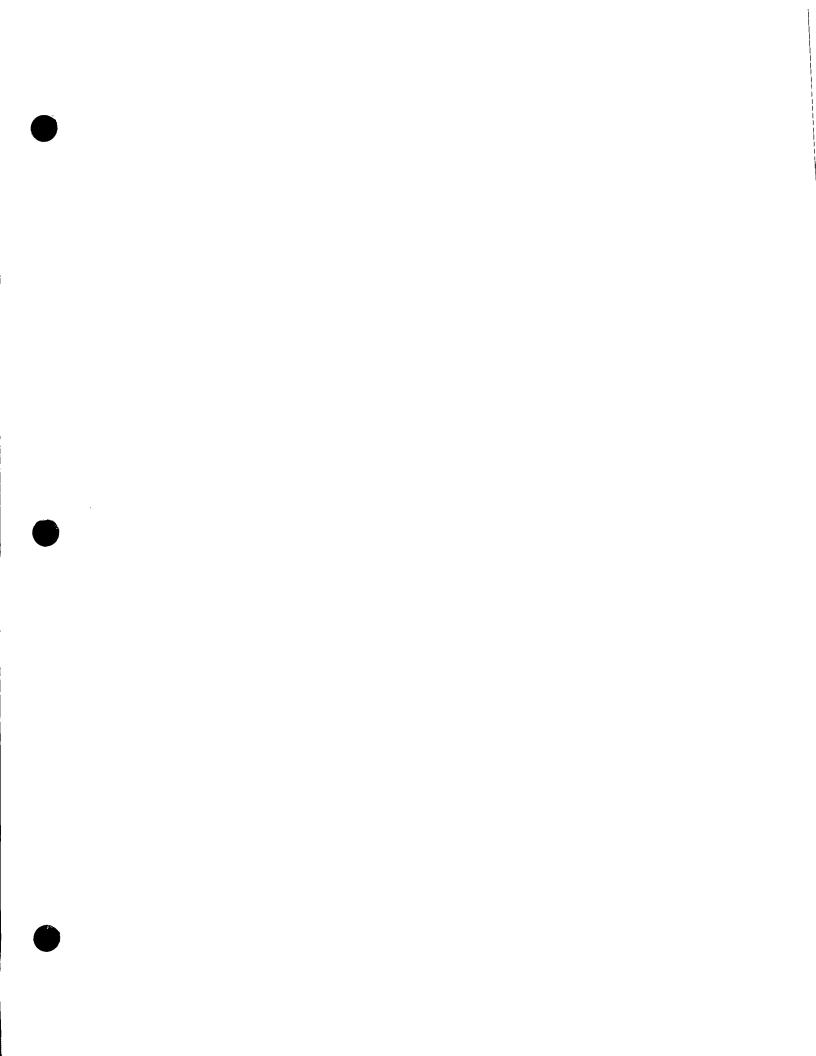














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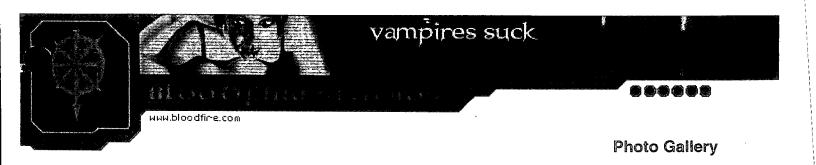
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San Diego Comic Con - 2001: Lee getting interviewed while Maria and Robin provide eye candy.
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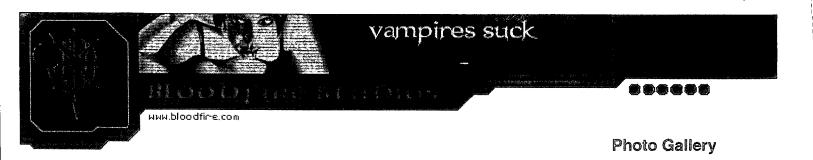


San Diego Comic Con - 2001: Lee getting interviewed again.



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MOTOS

San Diego Comic Con - 2001: Arwen, Chanel, Maria's backside and Lee. Photo by OmnibusCortex





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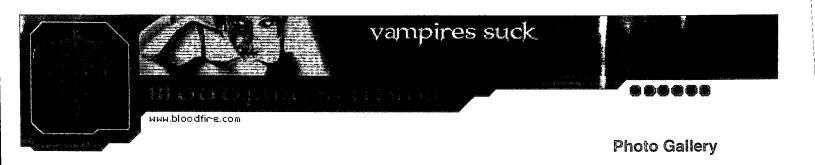
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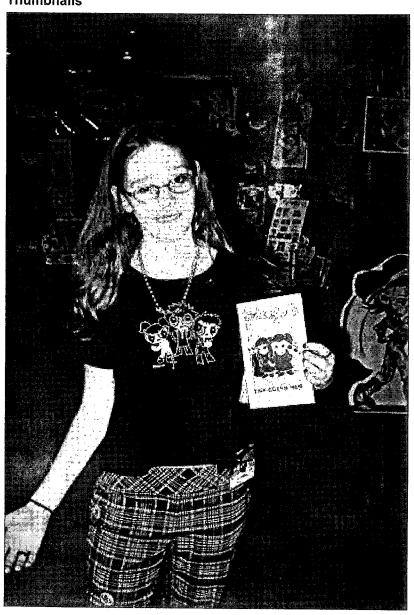
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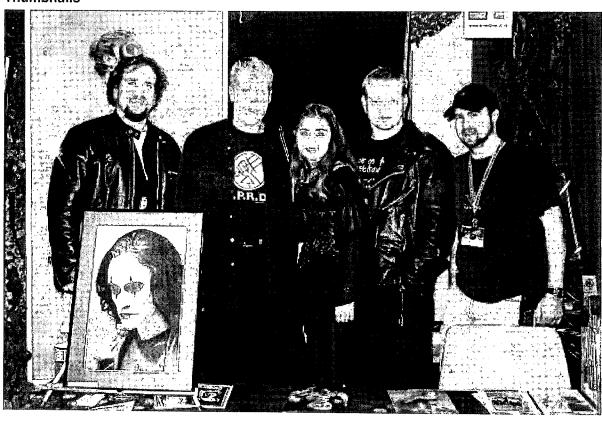








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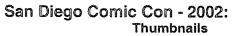


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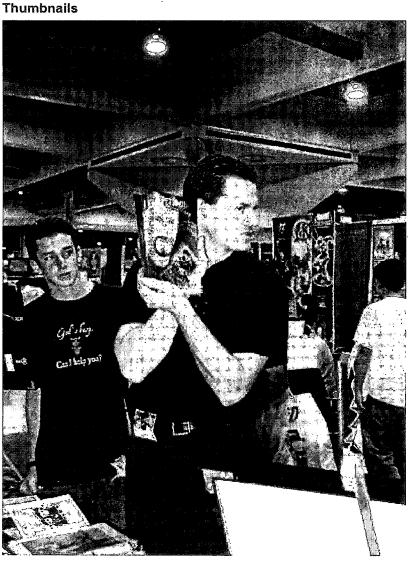






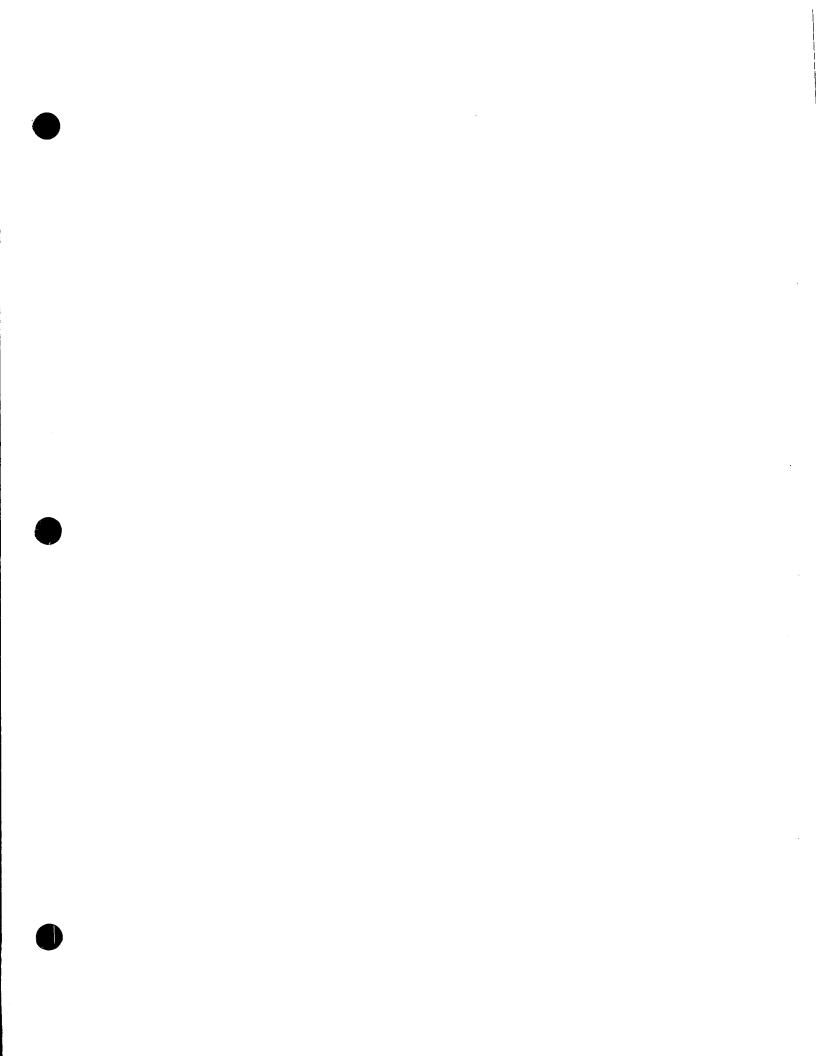


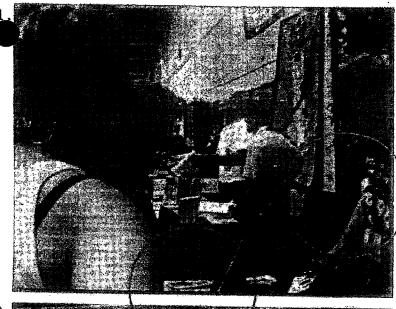




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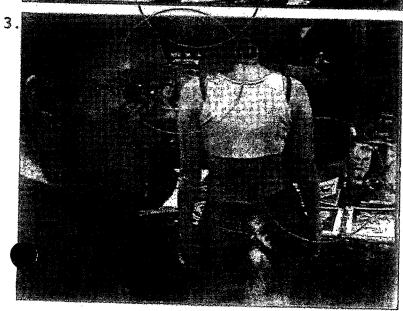


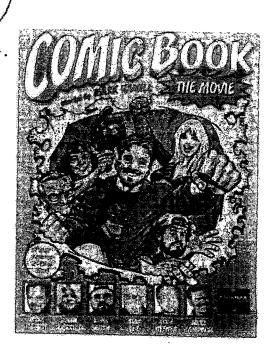


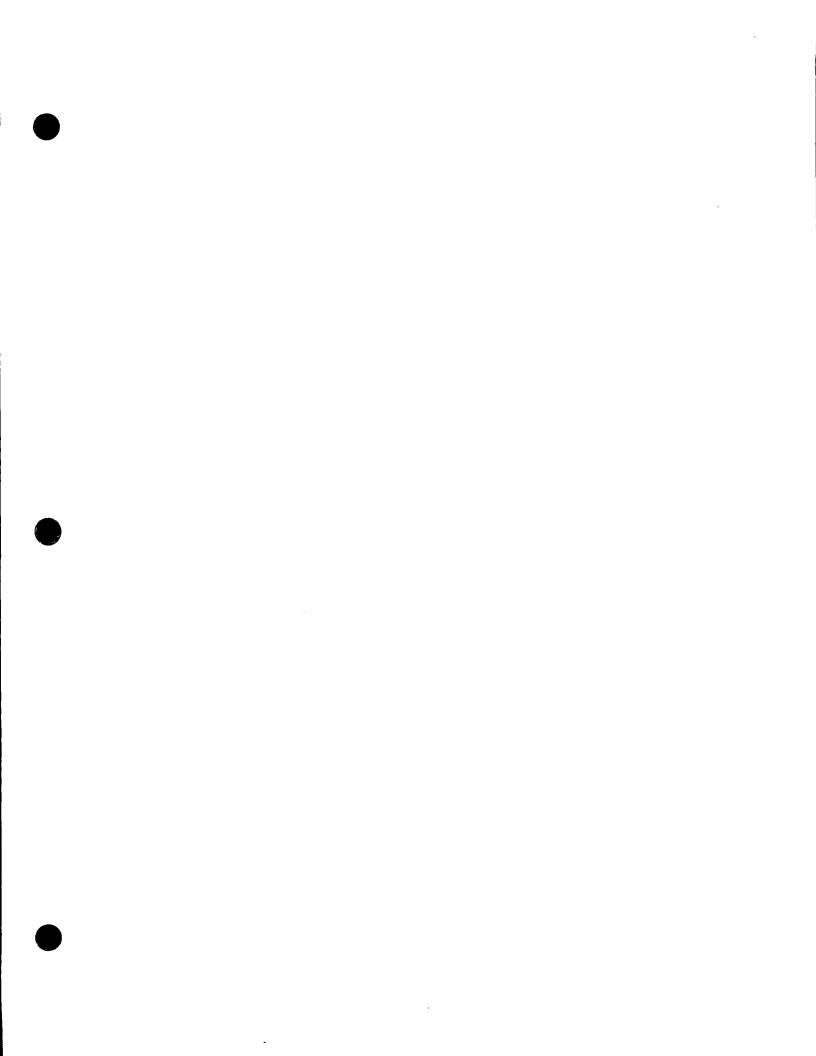
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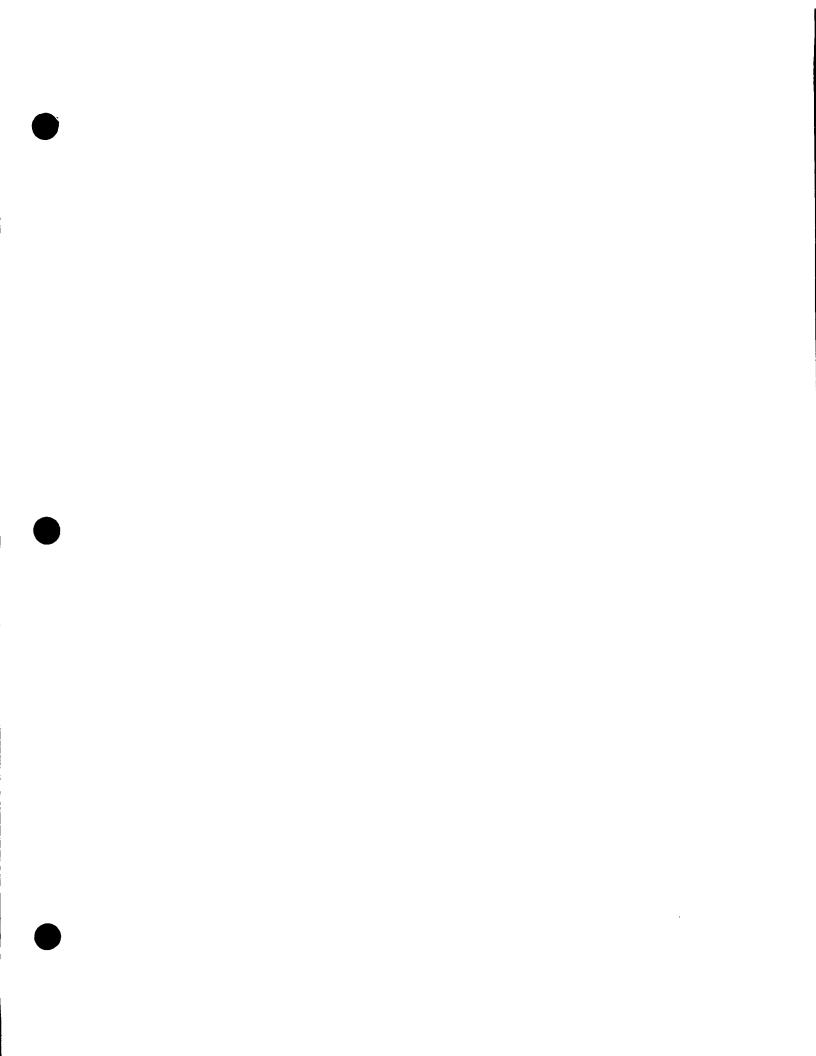
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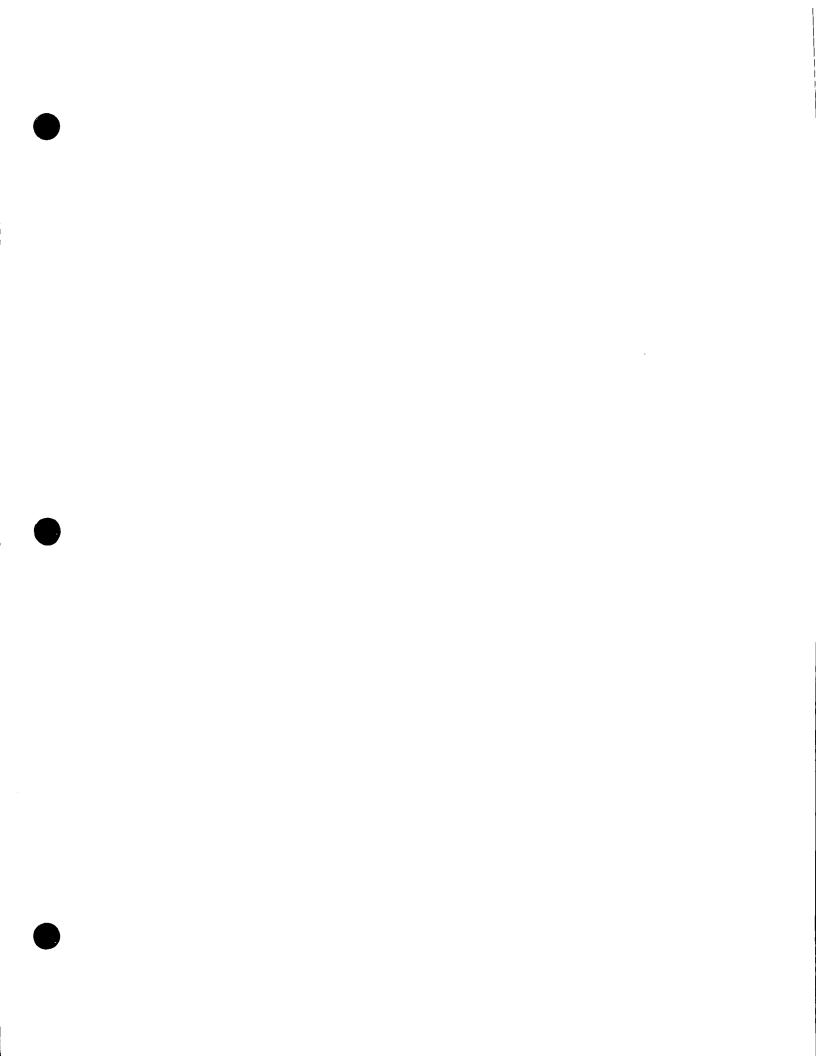
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MATURE READERS SC, 96pg, b&w.....\$29.99

BLACK SHEEP COMICS



WATERFALL #2

by Ben Seto

Sunflower finally arrives in the bustling city of Seedin to start her new life as an independent adult and a career as a prolessional fighter. But before she can do either, she'll need to get over her broken heart. Will Sunflower be able to take her mind off her heartache to embrace the wonders and discoveries of a brand-new

b&w, 32pg\$2.95

BLOODFIRE STUDIOS



Kindergoth #1

by Kohse & Zugale Tattooed, body-pierced kindergarten-ers save the world from an alien inva-sion. Bullies, bad cafeteria food, God's repo men, Federal Agents, a psychotic teacher, and a bag of pork rinds. The first day of school couldn't be more interesting.
MATURE READERS

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BONGO COMICS.

FUTURAMA COMICS #16

by Boothby & Lloyd

When Professor Farnsworth's done Cubert
shows a slight dip in his studies and a
decrease in his IQ, he is sent across the
way in search of a school that will save
brain from atrophysing. But Cubert's not
the only one sent off to boarding school. Fry,
Leela, and Bender find themselves trapped
in the Blackhoard Junale as well. Join us for in the Blackboard Jungle as well. Join us for in the blockboard Jungle as wen, Join us for the prologue to "The Time Bender Trilogy" — a special Futurama story arc — in bour parts! Blast off with a comic made "Express" by for you in January! FC, 32pg



O/A FUTURAMA COMICS #1

OFFERED AGAIN

HEROES ANONYMOUS #4

by Gimple, Morrison, & Wyck As one of the hottest TV and movie stars in the world, Asher Hutchton sips Cristal, hangs out on yachts, and rides around in a fleet of Hummers! As the Gadfly, he gets shot with lasers, winds up passed out in craters, and often collides into billboards. So when this A-List star who's a C-List superhero catches the notice of Hollywood's most psychotic super-villain, he finally sees a way to bring up his average. But can he juggle his celebrity, his movie-star girlfriend, and his sitcom day job with the responsibilities of a superhero? Can he "do lunch" and "do battle" in the same day? Is it possible to check your alter ego at the door? Take a trip into the life of one of America's most conflicted celebrities in Heroes Anonymous Session IV: The Diary of Asher Hutchton a.k.a. the Gadfly! MATURE READERS

b&w, 32pg [4 of 6]\$2.99

OFFERED AGAIN O/A HEROES ANONYMOUS #1

Session I: The Angst of Attaboy! MATURE READERS b&w, 32pg (1 of 6).....\$2,99



SIMPSONS COMICS #90

by Boothby & Escobar

Bongo Double-Feature! First, Homes chaperones tisa's class on an out-of-state fieldtrip to one of our nation's greatest FC, 32pg

OFFERED AGAIN

O/A SIMPSONS COMICS #55

The Simpsons have a new pool! Well, actually, it's supposed to be Ned Flonders' pool, but what's dug is dug! Prepare yourself for stand up, stand off. comedy in "Siege on Evergreen Torrace." FC, 32pg\$2.50

O/A SIMPSONS COMICS #56

Is Mr. Burns's loyal lackey the royal ruler of Sweden? Waylon Smithers may very well be "The Yes-Man Who Would be King!"

FC, 32pg\$2.50

SIMPSONS COMICS & STORIES #1

by Matt Graening
Matt Graening's first Simpsons comic book
(from early 1993) can be yours — only from
Previews and the Star System! This issue features the senses-shattering origin of
Springfield's own costumed crusader,
Bartman, as well plenty of laughs with
Homer, Marge, Lisa, and Maggie! Also,
Itchy & Scratchy's handy hints for power tool
safety! Polybagged with a full-color poster of Safety! Polybagged with a full-color poster of Bariman and Radioactive Man! (STAR03518)

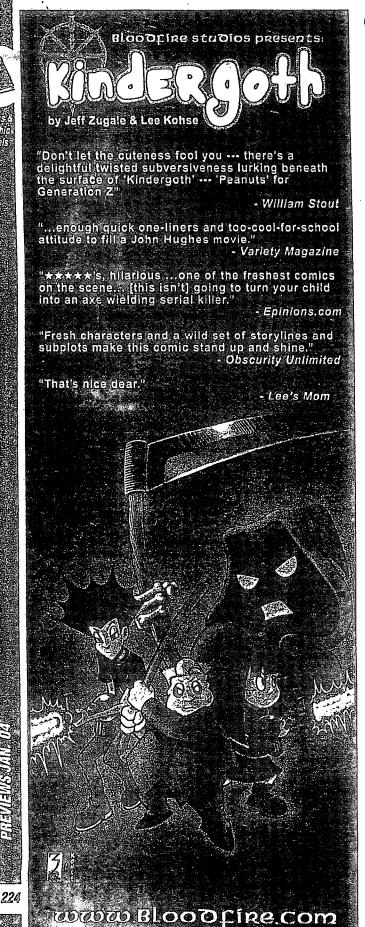
SONG OF THE LASH GN

by F.E. Campbell & B. Bopp SEE PREVIEWS ADULT FOR MORE INFORMATION (CAUT: 3) NOTE: Not available in Canada, Hong Kong, or U.K.
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BLOODEIRE STUDIOS



HINDERGOTH #2

by Lee Kohse & Jeff Zugale
A strange illness has intected the school's bully population, the Center for Disease Control has taken over, and the kids make a deal to save the Earth. Be sure to check out this second hilarious issue that answers the question "Who brought the jawa?" All this, and pork rinds, bad sushi, and three feet of beef. MATURE READERS

b&w, 32pg

BLUE LINE PRODUCTIONS



Notes to draw from Volume 1 TP

by Mitch Byrd

Mitch Byrd's incredible, charming art-work comes to life with this ultimate handbook on illustrating comic concepts. Notes To Draw From, displays the processes and important ideas central to comics such as page layout/composition, character design, perspective, and much more. (STAR18665)

SC, 7x10, 48pg, FC

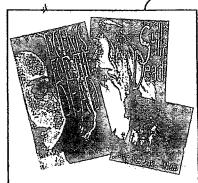
BONEYARD: PRESS

Boneyard Be#Ches Unleashed!

Adult film star Ginger Hill and Mistress Leyla get into enaugh trouble at the 2004 Wizard World Chicago show to make a room full of Chicago cops blush... and they didl Featuring adult film star Ginger Hill, Mistress Leyla, Hart D. Fisher, Waka Fisher, Ryan Mojica, the entire cast of Graveyard Theater, a lot of cops, and more! Also available in a Signed Edition, autographed by Ginger Hill, Mistress Leyla and Hart Fisher! Running time 60 minutes. Full color 60 minutes, Full color. MATURE AUDIENCES .

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POEMS FOR THE DEAD SIGNED VALUE PACK

Limited to 100 packs! Hart D. Fisher collects and signs his most critically acclaimed work into one big bag of tricks that nets you Poems for the Dead (first printing), Still Dead (first printing), his spo-ken-word CD Come Bleed With Me, and the limited edition prints created for his art show "Lost" and a spoken-word performance at the LA Goth club, Bor Sinister. All very rare material — with each individual piece signed by Mr. Fisher. Get it while you can! (CAUT: 2)

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BE Kindergoth

KINDERGOTH #3

b&w, 32pg

by Lee Kohse & Jeff Zugale
In this episode: Fun with soccer balls,
vatos, and the Vatican. We solve the mystery of cattle mutilation and crop circles

and Nintendo saves the day. Hooray! MATURE READERS

VAMPYRATES #1

by Jeromy Cox From the mind of four-time Eisnernominee, Jeromy Cox, comes Vampyrates, the story of Doctor Kevin Ring, a man of science and reason. Henry Page, a ship merchant, and good friend to the Ring family, offers Kovin relief from his circumstances. All young Kevin must do is help Page track down a band of pirates that have clown a band of pirates that have plagued the shipping lanes. Reluctantly, Kevin ventures into uncharted waters in search of the demonic, bloodthirsty fabled Vampyrates. FC, 48pg\$2.95

BLUE KING STUDIOS

CITY OF HEROES #1

by Richard Dakan, Brandon McKinney, & Moose Bauman

Apex and War Witch are two new heroes trying to make a name for themselves in Paragon Ciry, when a routine battle with the walking dead offers the key to unlocking a

waiking dead oriers the key to unlocking a vast conspiracy. Do the two young heroes have what it takes to break the conspiracy wide open or will then be just two more of its victims? Ties into the City of Heroes online game. FC, 32pg

BONGO COMICS





SIMPSONS BIG BRATTY BOOK OF BART SIMPSON TP

Join Bart and the kids of Springfield in the newest collection of comics and stories filled with mistaken identifies, afien recipes, cereal package prizes, unrequited love, lima beans, facial hair, karaoke, cafeteria shenanigans, talk shows, mail order brides, sidekicks gane mad, hideous monsters, balloon animals, girl scott cookies, circus popcom, marital arts, and history gone very wrong. It's all here in one bratty book. Collects Bart Simpson #9-12. SC, 120pg, FC\$12.95

STATE Of MARKET

THE BIG BOOK OF BART SIMPSON TP

by Matt Groening & Bill Morrison Bart Simpson: Troublemaker? Juvenile joker? Menace to society?! How about just plain old "kid"? Featuring stories from the first four issues of Bart Simpson, see Bart at his best in school, at the zoo, in space,



nis best in school, or the zoo, in space, being doned, in love, as Bartman, and just doing what America's most lamous under achiever is known for — getting in over his head, and finding his way out of trouble with class and flair, sometimes, a little less for wear! (STAR15971) SC, 7x10, 120pg, FC

THE BIG "BAD" BOOK OF BART SIMPSON TP

THE BITE - BRADE - BRADE BY STATE OF THE STA



SIMPSONS COMICS #94

by Boothby & Escobar by Boothby & Escobar
The sleepy little town of Springfield is in for a rude awakening when financial necessity requires that all the businesses, all the government programs, and all the citizens expected non-stop 24/7. When you witness the effects of sleep deprivation on your fevorite characters, you'll ask yourself "Is this all a bad dream?" No. Don't fall asleep at the wheel and miss the newest issue of Simpsons Comics this May! FC, 32pg

O/A SIMPSONS COMICS #64

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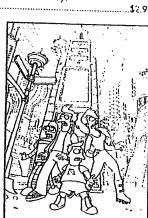
by Boothby, Gonzalez-Loyo, & Morrison Who dispenses justice with a firm hand, a stern look, and a plateful of homemade

O/A SIMPSONS COMICS #65

O/A SIMPSON'S COMING #45 by Dixon, Sandoval, & Morrison The Simpsons win an all-expense paid trip to Bosqieverde, a remote Latin American country, only to find themselves in the middle of a military coup. Soon the rebel forces have a new commander leading them into battle... Bart Simpson! The revolution will be syndicated. FC, 32pg

O/A FUTURAMA COMICS #6

by Rogers, Lloyd, & Morrison
It's the most horrifying time of the year
again as the gang at Planet Express preagain as the gang at Planet Express pre-pare for the robot Santa Claus' annual "slay" ride. But President Nixon's head has announced the Santa's been repro-grammed to be nicel this Christmas, and to prove it, the robot's going to deliver presents to anybody willing to await his arrival in Times Square on Christmas Eve. Has Santa really changed his evil woys? Or is there a plot afoot more insidious than a movie by Oliver Stone's head? And what does all this have to do with Bender winning a lifetime supply of Olde Bender winning a lifetime supply of Olde Fortran? Find out who's really being naughty and nice! Stuffing your stocking early this October! FC, 32pg\$2.50



FUTURAMA COMICS #17

by Boothby & Delaney Fry, Leela, Bender, and Cubert return to Earth from last issue's outer space oriven ture at boarding school only to find the planet Earth complete uninhabited. But a find the planet Earth complete uninhabited. But he can be complete uninhabited. before they can figure out where every one has gone, they are forced to disland the planet from alien invaders who try to daim it under Intergalactic Planetary Salvage Laws. Fight the Future with Futurama Comics this May! FC, 32pg\$2.99

* Offered Again

O/A FUTURAMA COMICS #5 by Rogers, Cooke, & Marrison

Fry compeles on a game show hosted by Morbo in order to save Professor Farnsworth and Planet Express. However, he finds himself in way over his bead when a hostile takeover creates a power play that might end up pulling the plug on Fry's lifeline.

FC, 32pgLK-00142

Marhammer action see the BOCKS and GAMES sections!



T8# YLWINOM REMMARKA

The Black Library's all-action comic featuring storming adventure from the grim worlds of Warhammer returns with another awesome issue! This month sees the return of the Doemonifuge as Ephrael
Stern is hunted by the dark powers of
Chaos! The Old World's most feared
mercenary, Hellbrandt Grimm, tracks down his quarry in a brand new stary! Also features the cool mix of high-octane trips, interviews and features!

b&w, 40pg\$3.50



inferno! Magazine #42

The dark worlds of Warhammer are brought to life through the pages of the brought to the through the pages of the Black Library's fiction magazine. In this month's issue: The Storm of Choos is unleashed in Nick Kyme's "A Storm Rising!" CS Goto pens "The Blood of Angels," a fontastic tale of the Angels Sanguine as they battle against the Emperor's foes! Plus' "For Richer, For Poorer" by Britan Maycock tells the dark tory of a Necromagner in the baset of tory of a Necromancer in the heart of the Empire! All this and more!

b&w, 68pg\$6.95

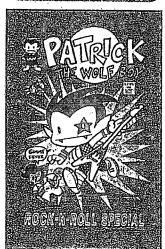


visions of war art book

Edited by Alan Merrett
The most terrible of human conflicts is revealed in all of its brutal glory in this lavish, color art book! Packed with stun-ning pictures, the book depicts mankind's epic struggle against the traitorous forces of Warmaster Horus after he allied with Chaos. The book also boasts many of Chaos. The book also boasts many of John Blanche's concept sketches that inspired much of the finished artwork to Sabertooth Games' collectible card game. To accompany the images, Games Workshop's most respected keeper of knowledge, Alan Merrett, has unlocked the repositories to relate a wealth of information about the history of the Heresy and the stories behind the subject matter. Featuring work from gwesome matter. Featuring work from awesome artists such as Adrian Smith, Clint Langley and many others, this high-quality art book is a grim testament to humanity's darkest hour!

SC, 96pg, FC\$29.99

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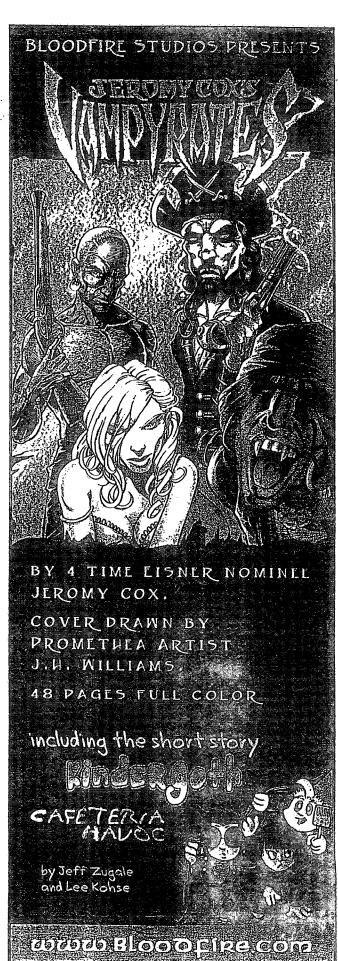


Patrick the Wolf Boy: Rock-H-Roll Special

by Art Baltazar & Franco

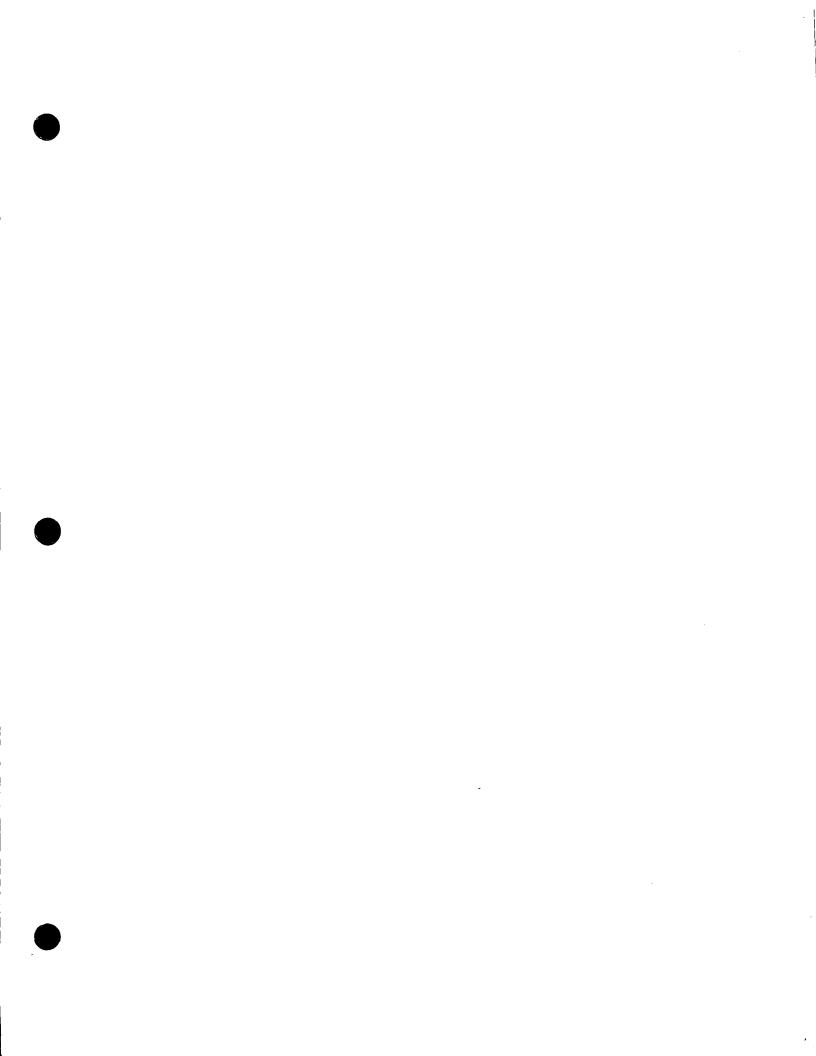
Barking at the moon has a whole new meaning this month since Patrick the Wolf Boy has joined the Band! Join us for Patrick's Rock 'n' Roll special as Patrick discovers his dad's old record collection, arscovers his dad's old record collection, trashes a hotel room, gets mistaken for the fifth Beatle, and walks on to Ozzie's Reality show. Oh yeah, Patrick's dag finally gets a name in this issue too. With special appearances by, Ookla the Mok, Poop-House, Kato and the Squirrel! Rock

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Kindergoth: Alise-Bruise Women's Tank

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Size: View size chart

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AVAILABILITY: In Stock, will ship in 2-3 business days

A classic womens tank featuring art of Alise from the popular "Kindergoth" Comic by BloodFire Studios. Text reads "I see a bruise in your near future." Perfect for: Goths, Chicks with attitude.

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Product Information:

Our Hanes Silver for Her tank top is perfect for those hot summer days. Made of 100% combed ring spun cotton with 1x1 rib, this tank has a tapered body for a close and fashionable fit. Neck and armhole are carefully shaped to conceal a bra. 6.1 oz.

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Kindergoth: Alise-Bruise Jr. Ragian

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AVAILABILITY: In Stock, will ship in 2-3 business days

near future." Perfect for: Goths, Chicks with

Alise from the popular "Kindergoth" Comic by BloodFire Studios. Text reads "I see a bruise in your

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Product Information:

Our Jr. Raglan from American Apparel is body contoured and baby soft. Made of 100% superfine combed cotton baby rib, this raglan provides the perfect look for any season.

- . 100% combed cotton baby rib
- Double-needle hemmed trim
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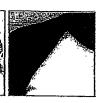
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Kindergoth Shop

Kindergoth Shop: Death-Baseball Jersey



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Red/White Black/White (Click to view colored shirts.)

Death- Baseball Jersey Product Number: 13447536

\$16.99

Size: View size chart Medium

Color: Black/White 屬



AVAILABILITY: In Stock, will ship in 2-3 business days

From Kindergoth the comic published by BloodFire Studios. Chicks dig the Grim Reaper.

Tell a friend about this product!

Product Information:

Our 100% Cotton Baseball Jerseys are popular with both men and women. Choose either Red, Blue or Black sleeves.

- 100% Preshrunk Cotton
- 5.9 oz Jersey (Tubular)
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- **Double Needle Sleeves**

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Kindergoth Shop

Kindergoth Shop: Alise - Bruise Jr. Baby Doll



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Alise - Bruise Jr. Baby Doll Product Number: 13451187

\$21.99

Size: View size chart Medium **ଞ**



AVAILABILITY: In Stock, will ship in 2-3 business days

Alise from the popular "Kindergoth" Comic by BloodFire Studios. Text reads "I see a bruise in your near future." Perfect for: Goths and Chicks with attitude.

This shirt is designed to fit juniors. It fits snug, sizes run small. Please see our size chart for more information.

» Tell a friend about this product!

Product Information:

Our super soft 100% combed cotton, ribbed baby doll T-shirt from American Apparel will keep you in style. Special details include 1/2" binding on neck and sleeve with 1" bottom

Our printing is better than ever — full of detail and color — and incredibly fade resistant wash after wash.

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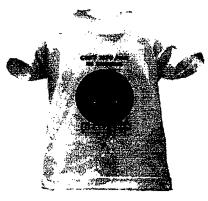
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Kindergoth Shop: Grim Reaper Goth Infant/Toddler T-Shirt



Grim Reaper Goth Infant/Toddler T-Shirt

Product Number: 13503334

\$13.99

Size: View size chart

12 months



AVAILABILITY: In Stock, will ship in 2-3 business days



View Larger Images

From Kindergoth the comic published by BloodFire Studios. Babies dig the Grim Reaper. Perfect for really sick parents or people in padded cells.

» Tell a friend about this product!

Product Information:

Our 100% cotton kids t-shirts will look great on your little ones.

- . 100% cotton jersey knit t-shirt.
- Shoulder to shoulder taping.
- Ribbed crewneck.
- Double-needle hemmed sleeves and bottom.
- 5.5 oż

Additional Photos:









Themes: Animals | Baby Gifts | Bumper Stickers | Christmas | Comics | Dogs | Fantasy | Food & Drink | Fun Stuff | Games | Geeks & Nerds Hanukkah | Holiday Gifts | Insects | Jesus | Linux | Military | Ninja | Peace | Pets | Religion | Sci-FI | Shoes | T-Shirts | Unique Gifts

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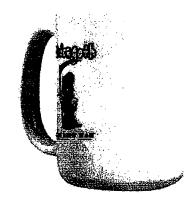
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Kindergoth Shop: god's repo man - Large Mug



click to view front / back:



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god's repo man - Large Mug Product Number: 13454635

\$15.99



AVAILABILITY: In Stock, will ship in 2-3 business days

From the pages of Kindergoth by BloodFire Studios. Nothing gets you motivated better than God's Repo Man reminding you you're on his list. Great gift for goths and people with terminal illnesses.

Tell a friend about this product!

Product Information:

Our 15oz ceramic mug will keep your favorite beverage hot. Large handle for easy grasping. Dishwasher and microwave safe. Printing is full of color and detail. Guaranteed.

Additional Photos:









Themes: Animals | Baby Gifts | Bumper Stickers | Christmas | Comics | Dogs | Fantasy | Food & Drink | Fun Stuff | Games | Geeks & Nerds

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Kindergoth Shop

Kindergoth Shop: God's Repo Man - Stein



dick to view front / back:



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God's Repo Man - Stein

Product Number: 13447846

\$18.99



AVAILABILITY: In Stock, will ship in 2-3 business days

Mornings a little grim? Have a nice stein of your favorite drink with God's Repo Man, Death himself.

Tell a friend about this product!

Product Information:

22oz ceramic stein with gold trim.

Additional Photos:









Themes: Animals | Baby Gifts | Bumper Stickers | Christmas | Comics | Dogs | Fantasy | Food & Drink | Fun Stuff | Games | Geeks & Nerds Hanukkah | Holiday Gifts | Insects | Jesus | Linux | Military | Ninja | Peace | Pets | Religion | Sci-Fi | Shoes | T-Shirts | Unique Gifts

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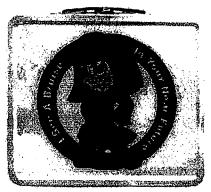
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Kindergoth Shop

Kindergoth Shop: Alise - Bruise Lunchbox



Alise - Bruise Lunchbox

Product Number: 13450179

\$17.99



AVAILABILITY: In Stock, will ship in 2-3 business days

While not recommended for skull cracking, this lunchbox is perfect for hiding small bodies. Or a meal if you really want to.

» Tell a friend about this product!

dick to view front / back:





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Product Information:

Our retro silver lunchbox brings back memories of childhood with modern day functionality. The image is applied on to clear permanent adhesive vinyl. Measuring 8" x 4" x 7" it's perfect for lunch or anything else you want to fill it with. Clasp closure and quality construction will make you the envy of everyone on the schoolyard. Get yours today!

Additional Photos:









Themes: Animals | Baby Gifts | Bumper Stickers | Christmas | Comics | Dogs | Fantasy | Food & Drink | Fun Stuff | Games | Geeks & Nerds

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Kindergoth Shop

Kindergoth Shop: Hans 3 Feet of Beef BBQ Apron



View Larger Image

Hans 3 Feet of Beef BBO Apron

Product Number: 13502798

\$19.99



AVAILABILITY: In Stock, will ship in 2-3 business days

From the pages of Kindergoth by BloodFire Studios. Cause you never know when you'll need 3 feet of beef. Great gift for goths, carnivores, and cannibals.

» Tell a friend about this product!

Product Information:

Useful in the kitchen or at the BBQ, our medium length aprons will help keep spills and splatters off your clothes. Includes neck ties and extra long waist ties. Two center stitched bottom compartment pouches allow you to keep cooking tools and recipes handy. 35% Cotton / 65% polyester blend, twill fabric. Machine washable and guaranteed.

Additional Photos:









Themes: Animals | Baby Gifts | Bumper Stickers | Christmas | Comics | Dogs | Fantasy | Food & Drink | Fun Stuff | Games | Geeks & Nerds Hanukkah | Holiday Gifts | Insects | Jesus | Linux | Military | Ninja | Peace | Pets | Religion | Sci-Fi | Shoes | T-Shirts | Unique Gifts

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Kindergoth Shop

Kindergoth Shop: Kindergoth Logo Goth Trucker Hat



Kindergoth Logo Goth Trucker

Product Number: 13503070

\$14.99

Color:

Black/White



AVAILABILITY: In Stock, will ship in 2-3 business days

View Larger Image





From Kindergoth the comic published by BloodFire Studios.

» Tell a friend about this product!

Product Information:

Get ready to cruise the urban jungle in our vintage trucker hat.

- Foam front
- Plastic mesh backing
- . One size fits all snap backing

Additional Photos:









Themes: Animals | Baby Gifts | Bumper Stickers | Christmas | Comics | Dogs | Fantasy | Food & Drink | Fun Stuff | Games | Geeks & Nerds Hanukkah | Holiday Gifts | Insects | Jesus | Linux | Military | Ninja | Peace | Pets | Religion | Sci-Fi | Shoes | T-Shirts | Unique Gifts

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Kindergoth Shop

Kindergoth Shop: Alise Journal



Alise Journal Product Number: 13458430

\$9.99



AVAILABILITY: In Stock, will ship in 2-3 business days

Tell a friend about this product!

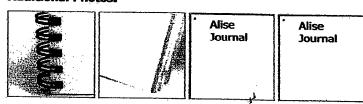
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Product Information:

Record your thoughts, or keep track of your daily to-do's with this trusty journal.

- Measures 5" x 8"
- Filled with 80 sheets of premium 60lb book weight unlined paper
- 10 point glossy front cover
- 16 mil textured back poly cover in black
- Wire o bound

Additional Photos:



Themes: Animals | Baby Gifts | Bumper Stickers | Christmas | Comics | Dogs | Farltasy | Food & Drink | Fun Stuff | Games | Geeks &

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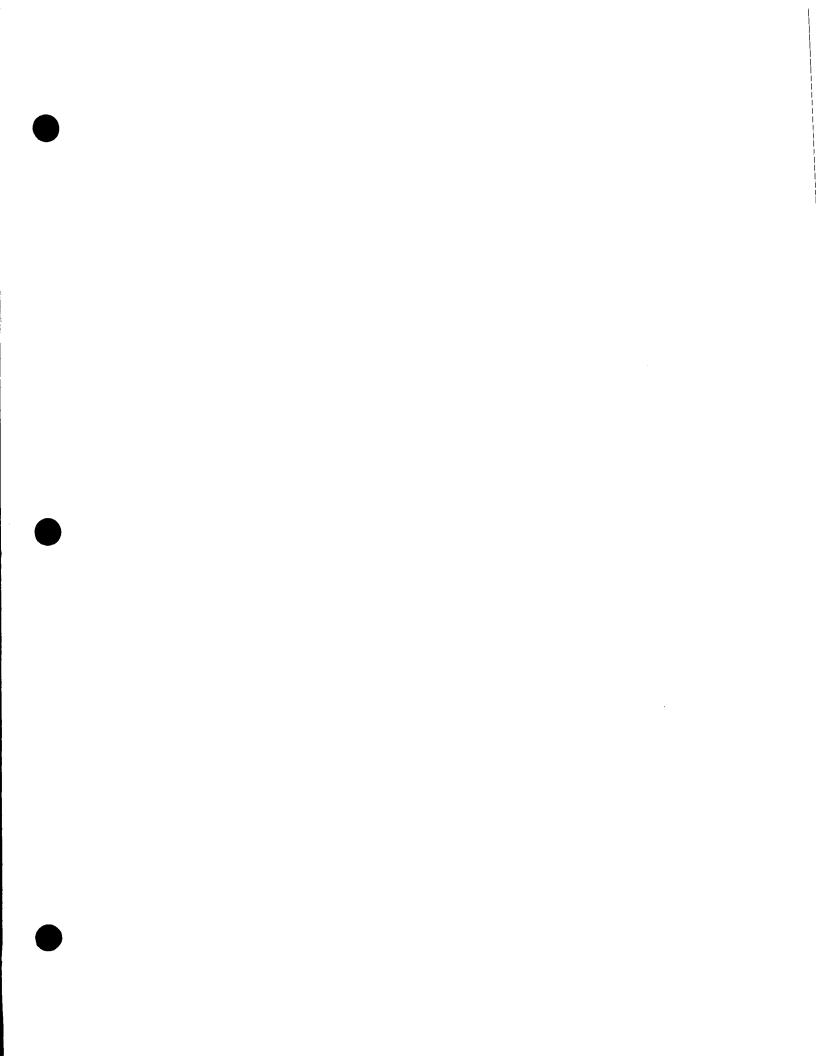
WRITTEN BY LEE KOHSE

COVER BY LEE KOHSE AND INKED BY JOEL ADAMS

ADDED BONUS STORY, "JESUS GOES TO SCHOOL"

E HUMOR (PID YOU KNOW PORK RINDS ARE A NARCOTIC TO

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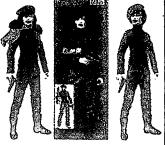






MADEMOISELLE MARIE CAN CAN TREY

CREW CUT NAVY FLIGHT





MADEMOISELLE MARIE SINGLE

GI. JOE ACTION FIGURE

Here are Hasbro classics that many of us will remember from those days when we still would kick up our legs over Saturday morning cartoons. These 12" scale G.l. Joe ligures are the standard by which the men of the military must strive to imitate! Or, in the case of fightin' females, your beauty must match your ferocity! Choose from Crew Cut Navy: Flight Deck with equipment; Tanker Sergeant, which comes with helmet, pistol, belt, and holster accessories; Mademoiselle Marie Can Can Trey with can-can outlit, poncho, boots, knife, map, and derringer; and Mademoiselle Marie French Single, a chase figure resistance fighter sharing a duel license from G.l. Joe and DC Comics. Scheduled to ship October 2004.

| CAUI: 2 & 4|
| CREW CUT ARMY TANKER (90110) — Figure...
| CREW CUT NAVY FLIGHT DECK (90109) — Figure ...
| MADEMOISELLE MARIE CAN CAN TREY (90105T) — Figure ...
| SRP: \$59.00 ...
| MADEMOISELLE MARIE CINIGLE (90103) — Figure ...
| SRP: \$34.00 ...
| SRP: \$35.95

G.I. JOE SGT. ROCK CAMP TREY ACCESSORY PACK

This Sgt. Rock-themed pack comes with a highly detailed tent, handbag, map, takes and poles, rope, shovel, sandbags, and radio. Scheduled to ship October 2004. [5660/901071] (CAUT: 2 & 4)

Previous assortment shown

MISCELLANEOUS

BLEEDING EDGE KINDERGOTHS PLUSH SERIES 3

The next wave of everyone's favorite creepy yet huggable line is here! Plushes are approximately 14" in scale! Scheduled to ship October 2004. (5682) (CAUT: 4) NOTE: Not available outside of North America and Puerto Rico.

Plush......SRP: \$24.00

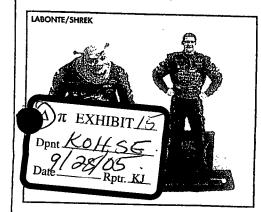
President bush anime plush

Done in the Chibi or Super-Deformed style, this is how President George W. Bush would look in a Japanese animated cartoon! Depending on your political affiliation, you can have George join the Powerpuff Girls and fight evil, or make George the newest villain! A Limited Edition figure — approximately 11" tall

— this is the 2004 Presidential Election version. Scheduled to ship October 2004. (4231/29001)

Plush\$19.95





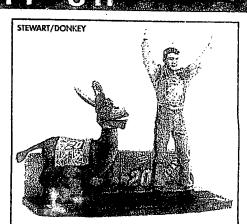
Shrek-Nascar action figure 2-pack

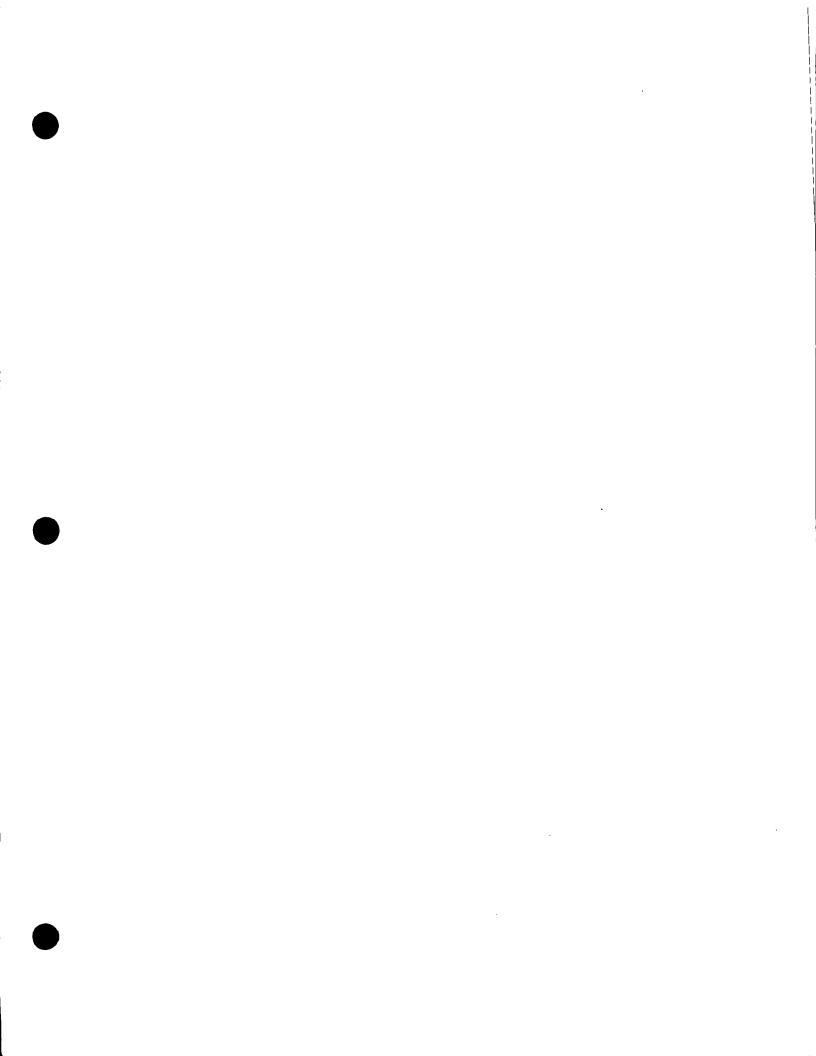
Shrek's back, but he's not just in the movie theaters. Now you can have both Shrek and Donkey drive up to your doorstep for a wild night out on the town with to your doorstep for a wild night out on the town with these 7" scale Shrek 2 movie-themed roadsters! Choose from: Bobby Labonte/Shrek or Tony Stewart/Donkey. Limited to 1,500 pieces each. Window box packaging. Scheduled to ship July 2004. (5780) (CAUT: 3 & 4)

LABONTE/SHREK (32796)—2-Pack Pl

STEWART/DONKEY (32797)—2-Pack Pl

LLK-00001







Subject: kinder goth / batz day

From: DROUPNELES BASTOLEO <droup999@yahoo.com>

Date: Sat, 28 Aug 2004 00:12:39 -0700 (PDT)

To: lee@bloodfire.com

hello sir,

i have heard you are the creater of kinder goth and i was wonderig if you would autogragh both mine and my girlfriends kinder goth dolls and why is it so hard to find the comic books i read a sampel of one on-line and well sir i want them and tell every shop i can find to order them and no one can find them

thank you for your time drou the damned

of ps we will be going to batz day

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